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The Charter

FOR THE

City of Cincinnati

Prepared and Proposed by the Charter Commission
of the City of Cincinnati

THIS CHARTER WAS DEFEATED BY OVER 6500 VOTES
JULY THEI I4TH. I9I4.
WE ARE NOT UNDER A CHARTER FORM OF GOVERMENT.

Election Day
Tuesday, July 14, 1914

310659

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PROPOSED CHARTER FOR THE CITY OF CINCINNATI

PREAMBLE.

We, the people of the City of Cincinnati, Ohio, in order to secure the benefits of home rule, to promote business-like conduct of our municipal affairs, to attract to the service of the City those who will administer its government most efficiently and economically; and otherwise to promote our common welfare, do adopt the following as the Charter of our City:

POWERS OF THE CITY.

Section 1. The inhabitants of the City of Cincinnati, as its limits now are or may hereafter be, shall continue to be a body politic and corporate, by name The City of Cincinnati, and as such, shall have perpetual succession. It shall have and may exercise all powers which now or hereafter it would be competent for this Charter specifically to enumerate as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this Charter shall be held to be exclusive.

Section 2. This Charter shall be liberally construed to the end that the City may have and exercise all powers not denied to it by the Constitution of Ohio.

Section 3. The City's powers shall be exercised and enforced in the manner prescribed by this Charter, or, when not prescribed herein, then in such manner not inconsistent with this Charter as shall be provided by Council.

NOMINATIONS AND ELECTIONS.

Elective Officers.

Section 4. The elective officers of the City shall be the Mayor and the members of Council, who shall be elected at large. All other offices and positions shall be filled by appointment.

Time of Elections.

Section 5. Municipal elections shall be of three kinds—general, primary, and special. General elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years, beginning in the year 1915. Primary elections shall be held on the Tuesday occurring four weeks before the date of the next ensuing general election. Elections held at other times shall be special elections. Candidates for elective offices shall be nominated at primary elections and elected at general elections. Any matter to be submitted to the electors of the City may be submitted at a primary, general or special election, except as otherwise provided in this Charter.

Ballots.

Section 6. The ballots used in all elections provided for in this Charter shall be without party names, emblems, or designations, and shall contain the complete list of the offices to be filled, the names of the candidates for each office, arranged under the title thereof, together with such directions as will aid the elector, as for example—"vote for one," "vote for two," and the like, and such certification of the election officers upon the back of the ballots as is prescribed by general law. With the name of each candidate there shall also be printed his place of residence and a statement of all his occupations for gain within the year preceding his hereinafter-described acceptance of nomination. The names of candidates on all such ballots shall be printed in rotation. Ballots shall be so printed and bound in tablets that in the whole number of such ballots with each successive ballot there shall be regular alphabetical rotation of names for each place on the list of candidates for each office, and that the name of each candidate for each office shall so far as possible occupy each position in its list an equal number of times. In the application of the provisions of this Charter relating to nominations and elections, two-year terms for Council and four-year terms for Council shall be treated as distinct offices. The ballots shall in all other respects conform as nearly

as may be to the general election laws of the State. Ballots requiring a vote of "yes" or "no", or, "for" or "against", or their equivalents, shall also be printed and combined in tablets in such manner that the places on the ballot for voting "yes" and "no" or other affirmative and negative shall rotate in position and the affirmative and negative shall not have the same order of position upon ballots in a tablet.

Nominations.

Section 7. The name of any elector of the City shall be printed upon the primary ballot if there is filed with the election authorities a petition in accordance with the following provisions—

(a) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot and the title of the office for which he is a candidate.

(b) Such petitions shall be signed by not less than one thousand qualified electors of the City.

(c) An elector may subscribe to but one nomination for each place to be filled.

(d) No signature shall be valid if made more than sixty days prior to the day of the primary election and all petitions shall be filed with the election authorities not less than forty days previous to such election.

Section 8. Any person whose name is submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than thirty-five days previous to the primary election; otherwise his name shall not appear upon the ballot. Such acceptance must state the candidate's place of residence and all his occupations for gain within the year next preceding the acceptance.

Information for Electors.

Section 9. Within five days after the acceptance of nomination, any candidate may furnish the election authorities with a personally signed statement, of not more than

five hundred words, of the reasons why he should be elected to the office for which he has been nominated, together with a portrait cut of himself of such size as Council shall fix by ordinance. A pamphlet containing such statements and cuts shall be published by the election authorities, and shall have printed prominently thereon, "Candidate's Statements. Each statement is made solely upon the responsibility of the candidate." The expense of publication shall be borne in equal proportions by the candidates whose statements appear therein, unless otherwise provided by Council. The election authorities shall also print sample ballots in all respects similar except as to quality and color of paper and order of names of candidates to the official ballots for the primary, with a statement printed thereon that it is a sample ballot and that on the primary ballot the names will appear in rotation; also a statement of the date of the election and the hours between which ballots may be cast; and shall send to each elector of the City a copy of such sample ballot, together with a copy of the above described pamphlet, not less than ten days before the primary election. Copies of such sample ballots shall be posted at all polling places not less than ten days prior to the election.

Sample ballots of general elections shall be similarly printed, posted, and sent by the election authorities to each elector of the City not less than ten days before the election.

The full text of any measure or question to be voted upon at any election shall also be printed and sent to each elector not less than ten days before the election.

Section 10. No person, persons, group, association, or corporation shall send out any sample ballot, complete or partial, or campaign literature without clearly stating thereon the names of the person or persons, or in case of a group, association, or corporation, the names of the officers, committee, or members responsible for the distribution of such sample ballot or campaign literature. Ordinances shall be passed providing for the punishment of any infraction of this provision and to further safeguard voters and insure honest elections and campaigns.

Elections.

Section 11. The two candidates for nomination to the office of Mayor who shall receive the highest votes in such primary election, and the candidates for nomination to the office of Councilman to twice the number of vacancies in the City Council to be filled, who shall receive the highest votes in such primary election, shall be placed on the ballot at the next general election. In event of the death or withdrawal of any candidate not less than five days before the general election, the name of the person who at the primary received the next highest vote for that office, shall be placed on the ballot.

Any person who would be entitled to become a candidate at the general election for any office but for the fact that some other candidate received an equal number of votes at the primary election, shall become a candidate for such office and his name shall be placed on the ballot at the general election.

The candidate for Mayor receiving the highest number of votes at the general election and the candidates for Council, equal in number to the offices to be filled, receiving the highest number of votes at such election, shall be elected.

Section 12. Registration and qualification of electors shall be as prescribed by general law.

All elections shall be conducted and the results canvassed and certified by the election authorities as prescribed by general law, and, except as otherwise provided by this Charter or by ordinance, the general election laws shall control in all elections.

APPOINTMENTS.

Who Shall Appoint.

Section 13. The Mayor shall appoint all heads of departments except the Department of Public Finance. The head of each department shall appoint all heads of sub-departments and employes therein. This provision shall also apply to departments hereafter created.

Method of Appointment.

Section 14. (a) The term "Civil Service" under this Charter includes all officers and all persons occupying positions of trust or employment in the municipal government.

(b) The term "appointing officer" means the officer or head of department having the power of appointment to any office or position.

(c) The term "employe" or "subordinate" means any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer except the heads of departments.

Section 15. Appointments to and promotions in the Civil Service of the City shall be made only according to merit and fitness, to be ascertained as far as practicable by examination, and no person shall be appointed, removed, transferred, laid off, suspended, reinstated, promoted, or reduced in any manner or by any means other than by those prescribed in this Charter.

Section 16. The Civil Service of the City is hereby divided into the unclassified and the classified service.

The unclassified service shall include:

(a) All elective officers.

(b) All heads of departments, and all members of boards and commissions appointed by the Mayor.

(c) One Secretary and one Stenographer for the Mayor, one Secretary, one Assistant Secretary and one Stenographer for the Department of Sinking Fund, and one Secretary or one Stenographer for the head of each of the other departments.

(d) The President, Professors, and Instructors in the University of Cincinnati, and the medical staff of the City Hospitals.

The classified service shall comprise all persons in the employ of the City not specifically included in the unclassified service.

Section 17. All heads of departments and members of boards shall be recognized experts in such work as may devolve upon the incumbents of such offices, or persons especially fitted therefor by education, training, or expe-

rience. In making such appointments, the appointing officer shall sign a certificate in the following form, striking out such alternative as may be inapplicable to the appointee:

I appoint ———— to the position of ————
Name of appointee Name of office
and I certify that in my opinion he is (1) a recognized expert in the work which may devolve upon him, or that he is (2) fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interest of the City.

————
Signature of Appointing Officer.

This certificate shall be filed with the Civil Service Commission. The Commission shall immediately, under such rules as it may establish, make a careful inquiry into the qualifications of the person named, and thereupon it shall file with the appointing officer a certificate that in its opinion he is or is not a recognized expert or that he is or is not qualified by education, training, or experience for said office, as the case may be. Upon the filing of this certificate the appointment shall become operative, when affirmed by the appointing officer; subject, however, to all provisions of law or ordinance in regard to acceptance, oath of office and the filing of bonds.

Section 18. There shall be in the classified service three classes, to be known as the competitive class, the non-competitive class, and labor class.

(a) The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive examinations, except as otherwise herein provided.

(b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by rules of the Commission.

(c) The labor class shall include ordinary unskilled labor.

Section 19. All applicants for positions and places in the competitive classified service shall be subject to ex-

amination, which shall be competitive and free for all, with specified limitations, determined by the Civil Service Commission, as to citizenship, residence, age, sex, experience, and moral character. Such examination shall be practical in character and shall be calculated to fairly test the relative capacity of the persons examined to discharge the duties of the position for which appointment is sought.

The Civil Service Commission may create sub-standard class or classes of labor for persons of less than normal capacity for service whenever the best interests of the City seem to require it.

No question in any examination shall relate to political or religious opinions or affiliations.

The Commission shall give reasonable notice in the Municipal Bulletin of the time, place, and general scope of all competitive examinations. Copies of such notices shall also be posted in a conspicuous place in the Commission's office at least two weeks before such examinations, except in cases of emergency, but in no case less than one week.

The Commission shall require persons applying for admission to any examination to file with the Commission within a reasonable time prior to the proposed examination a formal application in which the applicant shall state under oath or affirmation:—

(a) Full name, residence, and post office address.

(b) Nationality, age, and place and date of birth.

(c) Health and physical capacity for public service.

(d) Businesses and employments and places of residence for at least the five previous years.

(e) Such information as may be reasonably required, touching the applicant's merit and fitness for the public service, but no inquiry shall be made as to any religious opinions or political affiliations of the applicant.

Blank forms for such applications shall be furnished by the Commission without charge to all persons requesting the same. The Commission may require in connection with such application, such certificate of citizens, physicians, or others having knowledge of the applicant as the good of the service may demand. The Commission may refuse to ex-

amine an applicant, or, after an examination, to certify as eligible any person who is found to lack any of the established preliminary requirements for the examination, or, who is physically so disabled as to be rendered unfit for the performance of the duties of the position which he seeks, or, is addicted to the habitual use of drugs or intoxicating liquors to excess, or who has been guilty of any crime or infamous or disgraceful conduct, or, who has been dismissed from the public service for delinquency or misconduct, or, who has made false statements of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in establishing his eligibility or securing his appointment.

Section 20. From the returns of the examinations, the Commission shall prepare an eligible list of the persons whose general average standing upon examinations for such grade or class is not less than the minimum fixed by the rules of the Commission, and who are otherwise eligible; and such persons shall take rank upon the eligible list of candidates in the order of their relative excellence as determined by examination without reference to priority of time of examination. In the event of more than one applicant receiving the same mark at the examination, priority in time of application shall determine the order in which their names shall be placed on the eligible list. The term of eligibility for each list shall be fixed by the Commission at not less than one nor more than four years.

Section 21. When a position in the competitive classified service is to be filled, the appointing officer shall notify the Commission of the fact, and the Commission shall, except when such position is to be filled by promotion as herein provided, certify to him the names and addresses of the three candidates standing highest on the appropriate eligible list. When no eligible list for such position exists, names may be certified from eligible lists most nearly appropriate for the groups in which the position to be filled is classified. A person who has been certified from an eligible list three times to the same appointing officer for the same or similar position may thereafter be omitted from further certifications to such officer, but certification

for a temporary appointment shall not be counted as one of such certifications. The appointing officer shall notify separately said Commission of each position to be filled, and shall fill such position by appointment of one of three persons certified to him by the Commission therefor.

Section 22. Positions in the competitive class may be filled without competition only as follows:

(a) When there are urgent reasons for filling a vacancy in any position in the competitive class and the Civil Service Commission is unable to certify to the appointing officer a list of persons eligible for appointment, the appointing officer may nominate a person to the Commission for non-competitive examination, and if such nominee shall be certified by the said Commission as qualified after such non-competitive examination, he may be appointed temporarily to fill such vacancy until a selection can be made from an eligible list after competitive examination; but such temporary appointment shall continue in force only until regular appointment can be made from eligible lists prepared by the Commission, and such eligible lists shall be prepared as soon as practicable thereafter.

If such temporary appointee shall at the competitive examination receive a passing grade, but a grade less than one entitling him to rank among those to be certified for appointment, his name and grade shall be certified with the others entitled to certification by virtue of their rank, and the appointing officer may appoint any of those certified.

The Civil Service Commission may authorize emergency appointments without examination to continue not longer than fifteen days, but in no case shall successive emergency appointments be made, and in all such cases the order of the Commission with the facts creating the emergency shall be entered upon its minutes.

(b) Where the services to be rendered by an appointee are for a temporary period not to exceed one month, and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the proper list of those eligible for the permanent appointment without regard to his standing on such list. Successive temporary appointments to the same position

shall not be made under this provision. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment.

Section 23. Vacancies in positions in the competitive class shall be filled so far as practicable by promotions. The Commission shall provide by its rules for keeping a record of efficiency for each employe in such service, and for making promotions therein on the basis of merit, to be ascertained so far as practicable by competitive examinations and by conduct, efficiency and seniority in service.

Section 24. With the consent of the Commission, a person holding a position in the classified service may be transferred to a similar position, but no transfer shall be made from a position in one class to a position in another class, nor shall a person be transferred to a position for original entrance to which there is required by this Charter or the rules adopted pursuant thereto an examination involving essentially different tests or qualifications or carrying a salary different from or higher than those required for original entrance to the position held by such person.

Section 25. Any person holding a position under the classified service who has been separated from the service without delinquency or misconduct on his part, may, with the consent of the Commission, be reinstated within one year from the date of such separation to a vacancy in the same or similar position in the same department; and whenever any position in the classified service is abolished or made unnecessary, the person holding such position shall be placed by the Commission at the head of an appropriate eligible list and for a period of not to exceed one year shall be certified to an appointing officer as in the case of original appointments.

TENURES AND QUALIFICATIONS.

Tenures.

Section 26. Except as otherwise expressly provided in this Charter, term tenures are prohibited, and the tenure of an employe shall be until such time as he is removed or

disqualified as provided in this Charter, or until the position is abolished.

Section 27. All persons lawfully appointed from eligible lists after competitive examination since January 1st, 1910, to positions which are in the classified service as defined by this Charter, and who are incumbents in such positions at the taking effect of this Charter, shall be deemed appointees under the provisions of this Charter. Persons who were appointed as temporary or emergency appointees shall be deemed temporary or emergency appointees, as the case may be, under the provisions of this Charter. Persons who, under the provisions of Section 10 of the Act of April 28th, 1913, "To regulate the Civil Service of the State of Ohio, etc." 103 O. L. 698, are subject to non-competitive examinations as a condition of continuance in the competitive classified service, shall be subject to such examination as a condition of such continuance.

Qualifying for Positions.

Section 28. Every elective officer, head of department, and police officer, shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be signed and kept in the office of the Clerk of Council that he will in all respects faithfully discharge the duties of his office. Any officer or appointee, except the Director of Finance and the Sinking Fund Trustees and their employes, who, in the opinion of the Director of Finance, is placed in a position of financial trust or in a position involving custody of public property, and every police officer, shall give and file a bond, in such amount as may be fixed by the Director of Finance, conditioned for the faithful performance by such person of the duties of his office or position. Bonds shall be given by the Director of Finance, Sinking Fund Trustees and their employes as fixed by Council and shall be filed with and recorded by the Clerk of Council. All other official bonds required by this Charter shall be filed with the Director of Finance and recorded in his office. All such bonds shall be approved as to form by the City Solicitor and as to sufficiency by the Director of Finance, except the bonds of such Director of Finance and the Sink-

ing Fund Trustees and their employes, the sufficiency of which shall be approved by Council. No person elected or appointed to an office or position shall be deemed to have accepted such election or appointment until the oath and bond required by this Charter shall have been duly given and filed.

REMOVALS OF APPOINTEES.

General.

Section 29. The power of removal, suspension, reduction, or lay-off of any person in an appointive office or position shall be vested in the appointing officer, except as otherwise expressly provided in this Charter. Such power shall be exercised in the manner and subject to the limitations specified in this Charter.

Civil Service Commissioners.

Section 30. The Mayor may at any time file written charges against any Civil Service Commissioner for inefficiency, neglect of duty, or malfeasance in office. All charges shall be specific and a copy shall be given to the person against whom they are made, and at the same time copies shall be filed with the Secretary of the Civil Service Commission and with the Ohio State Civil Service Commission. The person charged shall have ten days to file an answer with the Mayor and the respective secretaries of the State and Municipal Civil Service Commissions. Failure to file such answer within such time shall constitute a resignation. Immediately upon the filing of the answer, the State Civil Service Commission shall be requested by the Mayor to hear the charges at the City Hall in this City, and its decision shall be final. If within ten days after making such request, the State Commission refuses or neglects to hold a hearing, a committee of three shall be appointed, one by the Mayor, one by the Municipal Civil Service Commission and the third by the two thus selected, or, in case of their failure within three days after their selection to agree upon the third member, the Presiding Judge of the Superior

Court shall act as or select the third committeeman. The committee shall hold a public hearing upon the charges, at which the charged commissioner shall have the right to be present and be represented by counsel. The charged commissioner may be removed by the Mayor only in the event that the State Commission or said committee, as the case may be, shall sustain one or more of the charges.

Heads of Departments.

Section 31. Before removing the head of any department or any member of a board or commission constituting the head of a department, the appointing officer shall file with the Civil Service Commission a statement of the specific reasons therefor. The person removed may within five days file an answer. The statement and answer shall constitute a part of the permanent records of the Civil Service Commission.

Section 32. The removal of the chief of the sub-department of Police or Fire shall be preceded by a suspension. The Mayor shall have the exclusive power of suspension of any such chief for incompetence, gross neglect of duty, gross immorality, drunkenness, failure to obey orders given him by the proper authority, or for any other reasonable and just cause. If any such chief is so suspended, the Mayor shall forthwith certify that fact in writing, together with the cause of suspension, to the Civil Service Commission, who within five days from the time of receipt of such notice shall proceed to hear such charges and render thereon a judgment of reinstatement, reduction, or removal, which judgment shall be final.

Section 33. The removal of any policeman, fireman, or other subordinate or employe in the sub-departments of Police or Fire shall be preceded by suspension. The Chiefs thereof shall have the exclusive right to suspend any of the officers or employes in their respective sub-departments for incompetence, gross neglect of duty, gross immorality, drunkenness, failure to obey orders, or for any other reasonable and just cause. Such suspension, together with the cause thereof, shall be forthwith certified by the

Chief to the Director of Public Safety, who within five days from the receipt thereof shall proceed to inquire into and investigate the cause of such suspension, and render judgment thereon, which judgment, if any charge be sustained, may be either suspension, reduction in rank, or dismissal from the department, and such judgment in the matter shall be final, unless an appeal be taken therefrom to the Civil Service Commission. Such appeal must be taken within ten days after the decision of the Director of Public Safety. Within five days after the taking of an appeal, the Commission shall proceed to hear it and render a judgment sustaining or modifying the decision of the Director or a judgment of reinstatement. The judgment of the Commission shall be final. If the charges be not sustained, the person suspended shall receive his regular compensation for the period of his suspension.

Section 34. No person shall be discharged from the classified service, reduced in pay or position, laid off, suspended, or discriminated against by the appointing officer for religious or political reasons. In all cases of discharge, lay-off, reduction, or suspension, the appointing officer shall at the time furnish the person discharged, laid off, reduced, or suspended with a copy of the order of discharge, lay-off, reduction, or suspension, and a statement of the specific reasons therefor. Such person may within five days make and file an explanation. Such order, together with the explanation, if any, shall be filed with the Civil Service Commission. Nothing in this section shall limit the power of an officer to suspend a subordinate without pay, for purposes of discipline, for a reasonable period, not exceeding thirty days; provided, however, that successive suspensions shall not be allowed.

INITIATIVE AND REFERENDUM.

Section 35. The exercise of the legislative power of the City by initiating, adopting, or rejecting ordinances by the initiative and referendum is hereby reserved to the electors of the City, to be exercised only in the following manner:

Initiative.

Section 36. Any proposed ordinance, including an ordinance for the repeal or amendment of an ordinance then in effect, may be submitted to the City Council by petitions signed by at least 2,500 electors of Cincinnati. All petition papers, circulated with respect to any proposed ordinance, shall be uniform in character; shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five registered electors, who shall be officially regarded as a Committee of the Petitioners for the purpose hereinafter named.

Section 37. All papers comprising an initiative petition shall be assembled and filed with the Clerk of Council within sixty days from the date of the first signature thereon.

Within twenty days after the filing of a petition, the Clerk of Council shall ascertain whether the petition is in proper form and contains the names of the requisite number of registered electors. Upon completion of his examination the Clerk of Council shall endorse upon the petition a certificate of the result of his examination.

If the Clerk ascertains that the petition is insufficient in any respect he shall at once notify each member of the Committee of the Petitioners hereinbefore provided for, and the petition may be supplemented at any time within fifteen days from such notice by filing with the Clerk additional petition papers.

Within ten days after the filing of such additional papers, the Clerk shall examine the same, and attach thereto his certificate as to their sufficiency. If still insufficient, or if no additional papers shall have been filed, the Clerk shall file the petition in his office, and shall notify each member of the Committee of the Petitioners of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 38. When the certificate of the Clerk shows the petition to be sufficient, he shall submit the proposed ordinance to Council at its next regular meeting, and Council shall at once read and refer the same to an appropriate committee, which may be the committee of the whole. Provi-

sions shall be made for public hearings upon the proposed ordinance. The committee shall report the proposed ordinance to Council, with its recommendations thereon, not later than the third regular meeting of Council following that at which the proposed ordinance was submitted to Council by the Clerk.

Council shall take final action thereon within thirty days from the date of such committee report. If Council reject the proposed ordinance, or pass it in a form different from that set forth in the petition, or fail to act finally upon it within the time stated, the Committee of the Petitioners may require, as hereinafter provided, that it be submitted to a vote of the electors with any proposed change, addition, or amendment, which was presented in writing either at a public hearing before the committee to which such proposed ordinance was referred or during the consideration thereof by Council.

When an ordinance proposed by petition is to be submitted to a vote of the electors, the Committee of the Petitioners shall certify that fact and the proposed ordinance to the Clerk of Council within ten days after the final action or inaction upon such proposed ordinance by Council.

Section 39. If within the next sixty days thereafter, a renewal petition signed by 7,500 or more registered electors of the City shall be filed with the Clerk of Council for the proposed ordinance, it shall be submitted to a vote of the electors of the City. Signers of the original petition may sign the renewal petition, which shall comply as to form and affidavits with all the provisions governing original initiative petitions and the provisions of this Charter.

The sufficiency of said renewal petition shall be determined and certified by the Clerk of Council, and if insufficient, it may be supplemented in the same manner as provided with respect to original initiative petitions.

The final finding of the insufficiency of a renewal petition shall not prejudice the filing of a new original petition for the same purpose.

Section 40. If an election is to be held not more than six months nor less than forty days after endorsement of the sufficiency of a renewal petition, the proposed ordinance shall

be submitted to the vote of the electors at such election. If no election is to be held within the time aforesaid, and the renewal petition was signed by 15,000 or more registered electors, Council shall provide for submitting the proposed ordinance to the electors at a special election to be held not later than sixty days nor earlier than forty days after the endorsement of sufficiency; otherwise, it shall be submitted at the next election held for any other purpose.

Section 41. The ballots used when voting upon any such proposed ordinance shall contain the title of the ordinance to be voted on and below it the two statements "For the ordinance" and "Against the ordinance." When a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall become an ordinance of the City, and any such adoption of an ordinance by popular vote shall automatically repeal every modification of such ordinance enacted by Council after the filing of the original petition. Initiated ordinances shall be published; and may be amended or repealed by vote of three-fourths of the members of Council.

Referendum.

Section 42. No ordinance except the Annual Appropriation and Improvement Ordinances or modifications thereof, or an emergency measure, shall take effect before thirty days after its passage by Council. If within such thirty days a petition signed by not less than 10,000 registered electors, protesting against the taking effect of an ordinance and requesting its repeal or submission to the electors shall be filed with the Clerk of Council, then the operation of such ordinance shall be automatically suspended. Every petition paper shall contain the full text of the ordinance and shall in all other respects conform to the requirements of this Charter concerning initiative petitions.

When such referendum petition is filed with the Clerk of Council he shall determine the sufficiency thereof in the manner provided in this Charter for initiative petitions. If the petition be found sufficient or be made sufficient by amendment in the manner and within the time provided in this Charter for initiative petitions, the Clerk shall certify such fact to Council.

Section 43. Thereupon Council shall reconsider such ordinance and if the same be not entirely repealed within thirty days, shall submit it to a vote of the qualified electors of the City at the next election held more than forty days after the refusal of Council to repeal the ordinance. If a majority of those voting on the question vote against the ordinance, it shall be deemed repealed, otherwise it shall take effect upon the official announcement of the result of the election.

Section 44. The ballots to be used and the manner of voting in referendum elections shall conform in all respects to the provisions of this Charter governing elections upon initiated ordinances.

Section 45. When an ordinance provides for or authorizes the expenditure of money, or the making of a contract, or the issuance of bonds, then the publication and advertisements required by law, the call for and receipt of bids, and all other executive and administrative steps preliminary to the actual expenditure, or execution of a contract or issuance of bonds may be made and taken during the thirty-day period of suspension for the filing of a petition or during the period of suspension for a referendum election.

COUNCIL.

Election and Powers.

Section 46. Except as otherwise provided in this Charter, the legislative power of the City shall be vested in a Council of fifteen members. Council shall have power to enact all ordinances and resolutions necessary and proper for carrying into effect all powers vested in the City or any of its officers. At the general election of 1915 eight members shall be elected for a term of four years, and seven members for a term of two years, such terms beginning January 1, 1916. Thereafter at general elections there shall be alternately elected seven members and eight members for terms of four years each, beginning on the first day of the following January. Vacancies in Council shall be filled by Council for the unexpired term.

Investigations.

Section 47. Council or any duly authorized committee thereof may investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, and may secure information relative to any matter upon which Council may act.

Qualifications of Councilmen.

Section 48. Each member of Council shall be an elector of the city or an annexed portion thereof for a period of one year preceding his acceptance of nomination. A member of Council who ceases to be an elector of the City shall forfeit his office. Councilmen shall not hold any other public office or employment, except that of Notary Public or member of the State Militia. No member of Council shall, except in so far as is necessary in the performance of the duties of his office, interfere directly or indirectly in the conduct of an administrative department, or directly or indirectly take any part in the appointment, promotion or dismissal of any officer or employe in the service of the City other than the appointees of Council.

Salary and Attendance of Councilmen.

Section 49. The salaries of Councilmen shall be $1,500.00 a year each until otherwise fixed by ordinance passed in any even numbered year, but no change in the salary of a councilman shall be made during his term.

For each absence of a member from regular meetings of Council, unless excused for good cause shown, recorded on the journal and approved by a two-thirds vote of all members thereof, there shall be deducted a sum equal to two percent (2%) of the annual salary of each member. Absence from ten (10) consecutive regular meetings shall operate to vacate the seat of a member unless such absence be authorized by Council.

Meetings of Council.

Section 50. At eight o'clock P. M., on the first Monday in January following a general election, Council shall meet at the

usual place of holding meetings, at which time the newly elected councilmen shall assume the duties of their office. Thereafter Council shall meet at such times as may be prescribed by ordinance or resolution. The Mayor, the President of Council, or any five members thereof may call special meetings of Council upon at least twelve (12) hours' written notice, served personally on each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other subject shall be considered. All meetings of Council or committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

Rules and Journal.

Section 51. Council shall determine its own rules and order of business and shall keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of two-thirds of all the members elected nor until the delinquent member shall have been notified of the charge against him and been given an opportunity to be heard.

President of Council.

Section 52. At the first meeting in January following a general municipal election, Council shall elect one of its members President, who shall preside at meetings and perform such other duties as presiding officer as may be imposed upon him. In the absence of the President, Council shall elect a President pro tempore.

Clerk.

Section 53. Council shall appoint a Clerk and its other employes. The Clerk shall keep the records of Council, record all resolutions and ordinances of Council and perform such other duties as may be required by this Charter or by Council.

Procedure.

Section 54. Council shall be the judge of the election and qualifications of its members. A majority of all the members

elected shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of Council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances shall be taken by "yeas" and "nays" and entered upon the journal.

Ordinance Enactment.

Section 55. Each proposed ordinance or resolution shall be introduced in written or printed form. Except as otherwise provided in this Charter, no ordinance or resolution shall contain more than one subject which shall be clearly stated in the title. The enacting clause of all ordinances passed by Council shall be, "Be it ordained by the Council of the City of Cincinnati." The enacting clause of initiated ordinances shall be, "Be it ordained by the people of the City of Cincinnati."

Section 56. No ordinance, except an emergency measure, shall be passed until it has been read on three separate days or the requirement of reading on three separate days has been dispensed with by a three-fourths vote of all the members of Council. The third reading shall be in full unless the measure shall have been printed and a copy thereof furnished each member prior to such third reading. Every ordinance or resolution shall be published in full in the Municipal Bulletin within ten days after its final passage. No other publication shall be necessary except as otherwise provided in this Charter.

Section 57. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contain the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

Emergency Measures.

Section 58. Council may, by a two-thirds vote of all its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace,

property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or special privilege or regulating the rate to be charged for its services by any public utility shall ever be passed as an emergency measure. An emergency measure shall be subject to the referendum, but shall remain in full force and effect until ten days after rejection at a referendum election, at which times it shall be deemed repealed.

Mayor's Veto.

Section 59. Any ordinance or resolution passed by Council shall be signed by the President or other presiding officer and presented forthwith to the Mayor by the Clerk. If the Mayor approve such ordinance or resolution he shall sign it within ten days after its passage or adoption by Council; but if he do not approve it, he shall within said ten days return it to Council with his objections, or if Council be not then in session, at the next regular meeting thereof, which objections Council shall cause to be entered in full on its journal. If the Mayor do not sign or veto an ordinance or resolution after its passage or adoption within the time specified, it shall take effect in the same manner as if he had signed it. The Mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money. When the Mayor refuses to sign an ordinance or resolution or part thereof and returns it to Council with his objection, Council shall, after the expiration of not less than one week, proceed to reconsider it and, if upon reconsideration the resolution or ordinance or part or item thereof disapproved by the Mayor be approved by the vote of two-thirds of all the members of Council, it shall take effect without the signature of the Mayor. In all such cases the votes shall be taken by "yeas" and "nays" and entered on the journal.

MAYOR.

Section 60. The executive and administrative powers of the City shall be vested in the Mayor, the heads of departments

and other administrative officers provided for in this Charter or by ordinance.

Section 61. The Mayor shall be the chief executive officer of the City. He shall be elected for a term of four years, beginning on the first day of January next after his election and shall serve until his successor has been qualified. The Mayor shall be an elector of the City or territory annexed thereto for at least one year prior to the date of his election and shall not hold any other public office or employment except that of Notary Public or member of the State Militia.

Section 62. The salary of the Mayor shall be $10,000 a year until otherwise fixed by Council; but the salary of an incumbent or a mayor-elect shall not be changed for the term for which he is chosen.

Section 63. The Mayor shall be the Chief Conservator of the peace within the City; shall supervise the administration of its affairs; enforce all ordinances; and recommend to Council such measures as he may deem necessary or expedient. He shall keep Council advised of the financial condition and needs of the city; prepare and submit to Council such reports as may be required by that body; and exercise such powers and perform such duties as are conferred or required by this Charter.

Section 64. The Mayor or any person appointed by him may without notice investigate the affairs of any department or the conduct of any officer or employe.

Succession.

Section 65. Council shall fill any vacancy in the office of Mayor by appointment. Until such appointment, the duties of Mayor shall be performed by the Mayor's Deputy.

If a vacancy occur after the first twenty months of any Mayor's term, the appointee of Council shall serve the unexpired portion of such term; but if it occur prior to that time, such appointee shall serve only until the qualification of a successor who shall be elected at the next regular election for the unexpired term.

Section 66. The Mayor shall be entitled to a seat in Council and may take part in all discussions, make recommendations and introduce ordinances, but shall have no power to vote.

Section 67. The Mayor shall hold meetings with his Heads of Departments at least once a month and at other times upon call.

ADMINISTRATIVE DEPARTMENTS.

Section 68. The following administrative departments are hereby established:

General Administration
Finance
Sinking Fund
Law
Civil Service
Public Safety
Social Welfare
Public Service
Highways
Public Utilities
Parks and Playgrounds
Health
Hospitals
University
City Planning
Southern Railway

OTHER DEPARTMENTS.

Section 69. Council shall not abolish any of said departments nor transfer to any other department the powers, functions and duties hereby entrusted to and imposed upon any department; except that, with the consent of the Mayor, Council may authorize the creation of a special department for the carrying out of the planning and construction of an improvement or utility of unusual magnitude. Council may also create special and temporary departments for the making of special investigations and reports and may authorize the creation of new and additional departments for the exercise and performance of powers, functions and duties to and upon the departments herein created.

Section 70. In addition to the sub-departments provided in this Charter, each head of a department may establish such

sub-departments as may in his or its opinion be necessary, and may determine the number and character of positions.

GENERAL POWERS AND DUTIES.

Section 71. The head of each department shall be responsible to the Mayor for the faithful and efficient administration of the department, except that the head of the Department of Finance shall be responsible to Council. Subject to such responsibility to the Mayor or Council, the head of each department shall have the supervision and control of that department and shall make all needful general rules and regulations, not inconsistent with this Charter, for the transaction of the business of the Department, which rules shall be duly recorded and accessible to the public. Each head shall keep a record of his or its proceedings and shall annually, at a date fixed by the Mayor, render to the Mayor a full report of the work of the department, a copy of which shall also be furnished to Council, and shall further furnish to Council or the Mayor at any time such information relating to the department as either may require.

QUALIFICATIONS AND PAY.

Section 72. Except as otherwise provided in this Charter, the title, qualification, and compensation of any appointive position in the unclassified service shall be fixed by the appointing officer.

The Civil Service Commission shall fix the compensation for the various grades of positions in the classified service, subject to the approval of Council.

DEPARTMENT OF GENERAL ADMINISTRATION.

Organization, Powers and Duties.

Section 73. The Mayor's Deputy shall be the head of the Department of General Administration. This Department shall include the following sub-departments:

Purchasing
Efficiency and Investigation
Information and Complaints
Public Lands and Buildings
Records

The Mayor's Deputy shall also assist the Mayor in his supervision of the administration of all departments of the city, edit the Municipal Bulletin, and perform generally the functions and duties of an assistant to the Mayor, and during the absence or temporary disability of the Mayor shall perform the duties and have the power of the Mayor.

Purchasing.

Section 74. The sub-department of Purchasing shall be in the immediate charge of a Purchasing Agent. The functions and duties of this sub-department shall be to purchase all material, supplies, tools, machinery and equipment required by the City, and to contract for the repair of all personal property of the City. All purchases, contracts and sales shall be by competitive bidding, as far as practicable. Supplies, material and equipment shall be standardized, insofar as practicable. Purchases shall be made upon definite, detailed specifications, approved by the department to be supplied. This sub-department shall have charge of the selling of all personal property of the City not needed for public use. Supplies and other articles required by any department may be furnished from the storehouses or warehouses of this sub-department.

Investigation and Efficiency.

Section 75. The sub-department of Investigation and Efficiency shall be in charge of a Superintendent. It shall be the duty of this sub-department to prescribe the form of all reports relating to the conduct or condition of the departments of the City and to make such investigations and perform such duties as the Mayor may from time to time assign to it for the purpose of procuring information as to the conduct or for increasing the efficiency of any department. The Mayor, through this sub-department or otherwise, shall cause annual audits to be made of the Departments of Finance and Sinking Fund.

Information and Complaints.

Section 76. The functions and duties of the sub-department of Information and Complaints shall be to furnish information to the public concerning the City and its administration and to investigate and report upon complaints concerning the adminis-

tration of the city's affairs. This sub-department shall also perform such other duties as may be assigned to it relating to publicity of the City and of the administration of its government.

Public Lands and Buildings.

Section 77. The sub-department of Public Lands and Buildings shall be in charge of a Superintendent. It shall have control of the City Hall and of all town halls of annexed cities and villages and of all public lands and buildings not assigned by this Charter or by ordinances of Council to some other department.

Records.

Section 78. The sub-department of Records shall be in charge of a Custodian of Records. It shall have the custody and be charged with the care and preservation of all official records, documents and reports of the city and of annexed cities and villages excepting those in current use by the various departments. No records, documents or reports shall be destroyed except by the direction of the Custodian and the approval of the Mayor's Deputy.

Municipal Bulletin.

Section 79. A Municipal Bulletin shall be edited and published each week under the direction of the Mayor's Deputy. It shall contain the proceedings of Council, the legal advertising of the City, and such other information relating to the official business of the City as may be provided by ordinance. It shall be published and distributed in such manner and on such terms as Council may determine. None but official advertisements shall be published in the Bulletin, nor shall it be used to promote the candidacy of any person to office.

DEPARTMENT OF FINANCE.

Organization, Powers and Duties.

Section 80. The head of the Department of Finance shall be the Director of Finance. This department shall include the following sub-departments:

Accounting and Auditing
Treasury
Assessments, Licenses and Miscellaneous Revenue Collections

The Department of Finance shall prescribe the form of accounts, supervise and control the keeping of the financial accounts of the City and of all departments thereof, have charge of the collection, custody and payment of the money of the City, except as otherwise provided in this Charter. It shall perform all other financial duties assigned to this department by this Charter or by Council. During the temporary absence or disability of the Director of Finance, the Chief Accountant shall perform the duties and have the powers of the Director of Finance.

Section 81. The Accounting System of the City shall be of the double entry type, so devised and operated as to give the Department of Finance complete accounting record of and current control over all of the city's assets and liabilities, its income and expense, and those accounts that show all of the various facts in relation to restrictions on expenditure imposed upon the City.

Accounting and Auditing.

Section 82. The sub-department of Accounting and Auditing shall be in charge of the Chief Accountant, who shall be a certified public accountant or one having equivalent qualifications. It shall keep the general accounts of the City, supervise and control accounting in all departments, prepare periodically such summaries and analytical statements as shall be necessary to show the full effect of the transactions of the City, including distinct summaries and schedules for each public utility owned or operated. It shall audit all claims against the City and ascertain that supplies and materials have been delivered as purchased. For the investigation of any claim, the Director of Finance shall have power to require evidence that such claim is valid, and for that purpose may summon before him any person and examine him upon oath or affirmation relative thereto.

Treasury.

Section 83. The sub-department of the Treasury shall be in charge of the City Treasurer. It shall be the custodian of all funds except those in charge of the Sinking Fund Trustees, and on the warrant of the Director of Finance shall receive and pay out such funds.

All cash receipts of the City shall, when practicable, be deposited daily in the Treasury and shall in no case be deposited later than one week after receipt. The Treasurer shall daily deposit in bank all cash received.

Council shall provide for the deposit of such funds by the Director of Finance, in the manner and subject to the limitations set forth in Section 92 of this Charter relating to deposits by the Sinking Fund Trustees.

Assessments, Licenses, Miscellaneous Revenue Collections.

Section 84. The sub-department of Assessments, Licenses and Miscellaneous Revenue Collections shall collect fees and such moneys due the City as Council may prescribe.

DEPARTMENT OF THE SINKING FUND.

Appointment.

Section 85. The custody, management, control and administration of the Sinking Fund shall be vested in a Board of Sinking Fund Trustees, composed of the Director of Finance, ex officio, and four other citizens of the City, well-known for their intelligence and integrity, who shall serve without compensation.

The members of the existing Board shall continue in office for the terms respectively for which they were appointed. As the term of any member expires, his successor shall be appointed for a term of four years.

Organization, Powers and Duties.

Section 86. The Trustees of the Sinking Fund shall select one of their members as President and another as Vice-President, who in the absence or disability of the President shall perform the duties and exercise the powers of the Presi-

dent. All questions relating to the purchase or sale of securities, payment of bonds, interest or judgments or involving the payment or appropriation of money shall be decided by a "yea" and "nay" vote with the name of each member voting recorded on the journal.

Section 87. The Trustees of the Sinking Fund shall have charge of and provide for the payment of all bonds issued by the corporation, the interest maturing thereon and the payment of all judgments final against the City, except in condemnation of property cases. They shall receive from the Director of Finance all taxes, assessments and moneys collected for such purpose and invest and disburse them in the manner provided by law. For the satisfaction of any obligation under their supervision, the Trustees of the Sinking Fund may sell or use any of the securities or money in their possession. The Trustees shall pay all expenses for the maintenance of the department from funds under their control.

Tax Levy.

Section 88. At the time of the framing of the annual tax ordinance, the Trustees of the Sinking Fund shall certify to the Mayor the amount of money necessary to provide the annual Sinking Fund charges for the payment of bonds issued by the Corporation, for the payment of final judgments, except in condemnation of property cases, for the payment of interest on bonded indebtedness, the rents due on perpetual leaseholds of the corporation not payable from a special fund and the expenses incident to the management of the Sinking Fund. The Mayor and Council shall place the several amounts so certified in the tax ordinance before and in preference to any other item, and for the full amount certified.

Investment of Funds.

Section 89. The Trustees of the Sinking Fund shall invest all moneys received by them in bonds of the United States, of the State of Ohio, or of any municipal corporation, school district, township or county in such State, and hold in reserve only such sums as may be needed for effecting their functions. All interest and gains received by them shall be re-invested in like manner.

Money shall be drawn by check only, signed by the President and at least two members of the Board and attested by the Secretary. The Director of Finance shall be given detailed statements of all moneys received by the Board without passing through the Department of Finance and all payments made by the Board. All securities or evidence of debt held by the Trustees for the corporation shall be deposited in the office of the Board or with a Safety Deposit Company or Companies within the City, and when so deposited shall be drawn only pursuant to a resolution of the Board and in the presence of at least two Trustees.

Investigations.

Section 90. The Trustees of the Sinking Fund may investigate all the transactions of any department of the City involving or affecting the Sinking Fund, and they shall have such other powers and perform such other duties, not inconsistent with this Charter, as may be conferred or required by Council.

Record of Bonds.

Section 91. Before they become valid in the hands of any purchaser all bonds issued by the City shall be recorded in the office of the Sinking Fund Trustees, and shall bear the stamp of the Board of Sinking Fund Trustees, containing the words "Recorded in the office of the Sinking Fund Trustees", signed by the Secretary. The record shall show the date of issue, for what purpose issued, rate of interest, amount of issue, when due, principal and interest and where payable.

Deposit of Funds.

Section 92. At least once every three years the Trustees of the Sinking Fund shall advertise for proposals for the deposit of all sums held in reserve and shall deposit such reserve in the bank or banks, incorporated under the laws of this State or of the United States, situated in Ohio, which offer, at competitive bidding, the highest rate of interest and best security and accommodation and give a good and sufficient bond issued by a surety company authorized to do business

in this State, or furnish other good and sufficient security, in a sum not less than twenty percent in excess of the maximum amount at any time to be deposited. There shall not be deposited in any one bank an amount in excess of the paid-in capital stock and surplus of such bank, except when such moneys are deposited for the purpose of meeting the payment of some obligation.

The Trustees of the Sinking Fund shall determine the method by which such bids shall be received, the authority which shall receive them, the sufficiency of the security offered, the time for which the contracts for deposits of public money may be made and all details for carrying into effect the authority here given, but proceedings in connection with such competitive bidding and the deposit of money shall be conducted in such manner as to insure full publicity and shall be open at all times to the inspection of any citizen. As to deposits made under this authority, neither the Trustees of the Sinking Fund nor their bondsmen, if such Trustees of the Sinking Fund have exercised due care, shall be liable for any loss occasioned thereby.

Refunding Bonds.

Section 93. For the purpose of refunding, renewing or extending any bonded debt at a lower rate of interest, or for buying the fee simple of real estate held by the corporation under a lease wherein is secured to the corporation the option to buy the fee simple at a fixed price and where the money to buy can be procured at a less rate of interest on the purchase price than is represented by the stipulated rents, the Trustees of the Sinking Fund may issue coupon or registered bonds of the corporation for such periods, not exceeding fifty years, in such denominations, payable at such place and at such rate of interest, as they may determine. The aggregate amount of such refunding, renewing or extending bonds so issued shall not exceed that of the bonds refunded, renewed or extended.

Form of Bonds and Registration.

Section 94. Bonds issued by the Trustees of the Sinking

Fund shall be signed by the Mayor and President of such Board of Trustees. They shall be attested by the Director of Finance and the Secretary of the Board of Trustees of the Sinking Fund and have affixed the seal of the City of Cincinnati. They shall be sold as provided by law for the sale of bonds by a municipal corporation. The Trustees of the Sinking Fund, on demand of the owner or holder of any coupon bond, may issue in place thereof a registered bond of the same denomination, or multiples thereof, bearing the same rate of interest and principal, at the same time as the coupon bond and may provide the method of effecting the exchange or transfer and recording of such bonds.

DEPARTMENT OF LAW.

Powers and Duties.

Section 95. The head of the Department of Law shall be the City Solicitor, who shall be an attorney at law admitted to practice in the State of Ohio. He shall be the legal advisor of and the attorney of the City and of all its officers and departments, in all matters relating to their official duties. He shall prosecute and defend all suits, complaints and controversies, shall begin suits of his own motion or when directed by Council, for and in behalf of the City, and shall assist in the preparation of all contracts, bonds and other instruments in writing in which the City is concerned, and shall certify in writing his approval of the form and correctness thereof.

He shall be the Prosecuting Attorney of the Municipal Court and shall prosecute all cases brought before such Court and perform the same duties, so far as they are applicable thereto, as are required of the Prosecuting Attorney of the County.

Injunctions.

Section 96. The City Solicitor shall apply, in the name of the City, to a Court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of law or which was procured by fraud or corruption.

Enforcement of Obligations.

Section 97. When an obligation or contract made on behalf of the City, granting a right or easement or creating a public duty is being evaded or violated, the City Solicitor shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

Enforcement of Official Duties.

Section 98. In case any officer, head of a department, sub-department, or any board or commission, fail to perform any official duty, the City Solicitor shall likewise apply for a writ of mandamus to compel the performance of such duty.

Taxpayers' Suits.

Section 99. In case the City Solicitor, upon written request of any taxpayer of the City, fail to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in his own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the City Solicitor shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding. No such action to enjoin the performance of a contract entered into or the payment of any bonds or notes issued by the City, shall be brought or maintained unless commenced within one year from the date of such contract, bonds, or notes. If the Court hearing any such action be satisfied that the taxpayer had good cause to believe his allegations were well founded and that they were sufficient in law, the taxpayer shall be allowed his costs, and if judgment be finally entered in his favor, he may be allowed as part of the costs a reasonable compensation for his attorney.

General.

Section 100. In addition to the duties imposed upon the City Solicitor by this Charter or required of him by ordinance, he shall perform the duties which are imposed upon City Solicitors by the general law of the State.

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DEPARTMENT OF CIVIL SERVICE.

Appointment.

Section 101. The head of the Department of Civil Service shall be the Civil Service Commission. It shall be composed of three members, appointed for terms of six years, beginning on the first day of May of odd numbered years, one being appointed each alternate year. The members of the existing Municipal Civil Service Commission shall cease to hold office January 1st, 1916, and the first Mayor under this Charter shall appoint one commissioner to serve until May 1st, 1917, one to serve until May 1st, 1919, and one to serve until May 1st, 1921. Each commissioner shall receive an annual salary of Fifteen Hundred Dollars ($1,500.). No commissioner shall hold any other position in the public service.

Organization, Powers and Duties.

Section 102. The Civil Service Commission shall designate one of its members as President and shall appoint a Chief Examiner, who shall be its Secretary and keep the minutes of the proceedings of the Commission, preserve all reports made to the Commission, superintend and keep the records of all examinations, and perform such other duties as the commission shall prescribe. Two members of the Commission shall constitute a quorum for the transaction of business.

Section 103. The Commission shall have the power to make and enforce rules for carrying into effect the provisions of this Charter relating to the Civil Service system of appointments to and tenure of positions. Such rules shall have the force of law.

The Commission shall have generally the function and duty of administering and enforcing the Civil Service provisions of this Charter, of holding and conducting the examinations herein provided for appointments to, retention of and promotions in positions in the Civil Service of the City, and of performing all duties and functions assigned to it in this Charter.

The Commission shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the Civil Service

provisions and rules. It shall make an annual report to the Mayor.

Section 104. The Commission shall adopt rules providing for the classification of offices, positions, and employments in the classified service of the City; for appointments and promotions, transfers, lay-offs, suspensions, reductions, reinstatements and removals therein, and examinations and registrations therefor, and for maintaining and keeping records of the efficiency of officers and employes. Copies of such rules and all changes thereof shall be given to appointing officers affected thereby, and such rules shall be printed for distribution. All officers and employes in the City service shall report to the Commission in accordance with such rules.

Payroll Control.

Section 105. The Commission shall certify to the Director of Finance all appointments to and changes in positions in the classified Civil Service and the dates thereof. The Director of Finance shall not approve the payment of compensation to any person except for such time as such certificate shows such person was on active duty.

Standardization.

Section 106. The Commission shall grade and classify all positions in the classified service as to titles and qualifications so that like service and qualifications shall receive like pay.

Appropriation.

Section 107. The City Council shall appropriate each year a sufficient sum of money to carry out the provisions of this Charter for Civil Service.

Reports to State Commission.

Section 108. It shall be the duty of the Commission to make such reports as the Ohio State Civil Service Commission may require of the manner in which the Civil Service provisions of this Charter and the rules and regulations thereunder have been and are being administered and the

results thereof. A copy of the annual report of the Commission shall be filed in the office of the State Commission.

Investigation of Civil Service Violations.

Section 109. Whenever the Commission shall have reason to believe that any appointing officer has violated the provisions of this Charter, or the rules of the Commission in making or failing to make an appointment, lay-off, reduction, promotion, transfer, suspension, or removal, the Commission shall make an investigation. If the Commission shall find that such violation has occurred, it shall make a report thereof to the Mayor, or, if the Director of Finance be investigated, to Council, who may remove forthwith such guilty officer, opportunity first having been given such officer to be publicly heard in person or by counsel in his defense.

Campaign Assessments.

Section 110. No person in the classified service of the City shall directly or indirectly, orally or in writing, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or in writing, or be in any manner concerned in soliciting any such assessment, contribution or payment from any person in the classified service of the City; nor shall any person in the classified service of the City be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.

Conduct of Applicants.

Section 111. No applicant for appointment or promotion in the classified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person upon the consideration of any political service to be rendered for or on account of his appointment or promotion or proposed appointment or promotion.

Conduct of Appointing Officer.

Section 112. No appointing officer shall appoint, promote, reduce, suspend, lay off, discharge or in any manner change the official rank or compensation of any person in the classified service, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose or for refusal or neglect to render any party or political service.

Section 113. No person who holds any public office or position or who has been nominated for or who seeks nomination or appointment to any public office or position shall use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment or promotion.

Violation of Civil Service Provisions and Rules.

Section 114. Whoever, after a rule has been duly established and published by the Commission, makes an appointment contrary to the provisions of such rule, or wilfully refuses or neglects otherwise to comply with or to conform to the provisions of this Charter, or wilfully violates any of such provisions, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the City Work House for a term of not to exceed six months, or both. If any person so convicted shall hold any public office or place of public employment such office or position shall by force of such conviction be rendered vacant.

Prosecutions.

Section 115. Prosecutions for the violation of the Civil

Service provisions of this Charter and rules of the Commission may be instituted by the Commission through the Department of Law or through special counsel.

DEPARTMENT OF PUBLIC SAFETY.

Organization, Powers and Duties.

Section 116. The head of the Department of Public Safety shall be the Director of Public Safety. This department shall administer police and fire protection; the inspection and regulation of smoke; of weights and measures; and the construction, maintenance, repair and use of buildings and structures not expressly assigned by this Charter or Council to other departments.

Section 117. This department shall have sub-departments of Police, Fire, Building Inspection, Smoke Inspection and Inspection of Weights and Measures.

Police and Fire.

Section 118. The sub-department of Police shall be in charge of a Chief of Police and shall be composed of such officers, patrolmen, and other employes as may be required for the service.

The Chief of Police shall have exclusive control of the stationing and transferring of all patrolmen and other officers and employes in the sub-department of Police, under such general rules and regulations as the Director of Public Safety may prescribe.

Section 119. The sub-department of Fire shall be in charge of a Fire Chief, and shall be composed of the Chief and such officers, firemen, and other employes as may be required for the service.

The Fire Chief shall have exclusive control of the stationing and transferring of all firemen and other officers and employes in the sub-department of fire, under such general rules and regulations as the Director of Public Safety may prescribe.

Section 120. In case of riot or other like emergency, the Mayor may appoint additional patrolmen, firemen, and other

police and fire officers for temporary service, who need not be in the classified list of such department. Such additional officers, firemen or patrolmen shall be employed only for the time during which the emergency exists.

Section 121. The sub-department of Police shall preserve the peace and protect persons and property as provided by law. The sub-department of Fire shall protect the lives and property of the people against the hazard of fire. Each of the said sub-departments shall perform such other duties as the Director of Safety may require.

Section 122. Council may provide by general ordinance for the relief, out of police or fire pension funds, of members of either sub-department temporarily or permanently disabled by reason of the discharge of their duty. Nothing herein shall impair, restrict or repeal any provision of law authorizing the levy of taxes to provide for firemen's, police and sanitary pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

Section 123. Council shall have power to provide by general ordinance for the payment of salaries to the members of the Fire and Police sub-departments during temporary disability from sickness or injury.

Other Sub-Departments.

Section 124. The persons in immediate charge of the sub-department of Building Inspection, Smoke Inspection and Inspection of Weights and Measures shall be respectively the Building Commissioner, the Chief Smoke Inspector and the City Sealer.

DEPARTMENT OF SOCIAL WELFARE.

Powers and Duties.

Section 125. The head of the Department of Social Welfare shall be the Director of Social Welfare. This department shall manage and control the Infirmary, Houses of Refuge, Workhouse, Municipal Lodging Houses, Municipal Bath Houses, public Comfort Stations, and all other charitable, correctional and reformatory institutions and agencies belonging to the City except hospitals; also all recreational

facilities and social centers belonging to the City except those entrusted by this Charter to the Department of Parks and Playgrounds; inspect and supervise commercialized public amusements and recreational facilities except those under the control of the Department of Parks and Playgrounds, and shall control the issuance and revocation of all licenses therefor. It shall administer the City's charitable relief activities, and provide for the study of and research into causes of poverty, delinquency, crime, disease and other similar social problems in the City and promote the knowledge and understanding in the community of those matters which concern its social welfare.

Advisory Board.

Section 126. The Director of Social Welfare shall have an Advisory Board on Recreation, consisting of five citizens of Cincinnati, appointed by the Mayor, who shall serve without compensation. The members of the first Board shall be appointed, one for five years, one for four years, one for three years, one for two years and one for one year, and upon the expiration of the term of each member, his successor shall be appointed for a five year term. It shall be the duty of this Board to consult and advise with the Director of Social Welfare. It shall hold meetings at such times as it may fix, and at the call of the Mayor or Director of Social Welfare. No place of amusement shall be permanently closed nor any theatrical production prohibited unless a majority of the members of this Board shall have voted so to do.

DEPARTMENT OF PUBLIC SERVICE.

Powers and Duties.

Section 127. The head of the Department of Public Service shall be the Director of Public Service. This department shall manage and supervise municipal docks, wharves, scales, market-houses, also municipal water, lighting, heating, power-transmission and transportation undertakings and any other municipally owned public utility; but Council may provide for the creation of a separate depart-

ment for the management of any public utility hereafter acquired by the City.

Rates and Charges.

Section 128. Subject to regulation by the Public Utilities Commission as provided in this Charter, the Director shall fix the rates to be charged for the service or product of any utility under the control of this department. Any such utility may make reasonable charges for service or products rendered to any other department of the City, and may be subject to reasonable charges for services rendered to it by any other department of the City; all such charges to be approved by the Public Utilities Commission.

DEPARTMENT OF HIGHWAYS.

Section 129. The head of the Department of Highways shall be the Director of Highways, who shall be a competent civil engineer. This department shall manage, supervise and have charge of construction, improvement, maintenance and repair of all streets, avenues, alleys, lanes, bridges, viaducts, sub-ways, aqueducts, sidewalks, steps, sewers, drains, ditches, culverts, ship channels, streams and water-courses, grade crossing abolitions and such public works, undertakings and improvements not assigned by this Charter or by Council to some other department. It shall control, manage and supervise the lighting and cleaning of streets and public ways, and the sprinkling, oiling or other surface treatment thereof, unless otherwise provided in this Charter. It shall manage and control the collection and disposal of ashes, garbage, waste and all other refuse and the construction, operation, maintenance and repair of sewage disposal plants and farms whether located within or without the City limits.

DEPARTMENT OF PUBLIC UTILITIES.

Organization.

Section 130. The head of the Department of Public Utilities shall be the Public Utilities Commission, composed of three members. None of the members of the Commission

shall in any way have any interest in any of the utilities with which they have official relations. The first appointments shall be for terms of two, four and six years, and all subsequent appointments for six years.

Franchises.

Section 131. The Commission shall regulate the operation and enforce the obligations to the public of all privately owned utilities, and for such purpose it shall be the successor of and have the powers of Council, the Board of Administration, the Board or Director of Public Service and all other legislative and administrative officers under the provisions of all existing franchises, ordinances and laws. It shall perform all other duties assigned to it in any franchise or public utility lease or operating agreement.

Powers.

Section 132. The Commission shall have and may exercise all the powers of the City, which now or hereafter it would be competent for the City to exercise as fully as though said powers were specifically enumerated herein, in the regulation, supervision and control of the extension, operation, rates, service, methods, rules, practices and affairs of all privately owned or operated public utilities and investigations pertaining thereto; and shall exercise like powers with respect to publicly owned and operated utilities. No exercise of said powers shall violate the terms of any existing or future franchise. Nothing herein contained shall be held to deprive Council of the power to provide in a franchise or agreement to or with a utility for limitations upon issues of securities.

Appeals.

Section 133. Any order of the Commission concerning rates, additions, extensions, improvements or distribution of charges between capital and expense shall be subject to appeal by any privately owned utility affected by it to the Ohio State Public Utilities Commission. Council shall by general ordinances prescribe the procedure relating to such

appeals. No order relating to rates or charges shall be suspended by the filing of an appeal, unless and until the utility shall give an undertaking, in an amount fixed by the Commission and with sureties satisfactory to the Director of Finance, which undertaking shall be payable to the City for the use and benefit of the consumers affected by the suspension, and its form shall be approved by the City Solicitor. The condition of the undertaking shall be to the effect that, in case the order is affirmed or modified on appeal, the utility shall refund or pay to its consumers, public and private the amounts collected during the suspension in excess of the amount which would have been collected had the order as originally made or as modified been carried out from the time fixed by the Commission. The Commission shall prescribe the manner and times of making such refunders and for the method of ascertainment of the consumers affected by the suspension. The utility shall, on the refusal of the State Commission to vacate the order, repay or refund such overcharges to the consumers affected.

Procedure.

Section 134. The Commission shall adopt rules and regulations for the conduct of its business and the exercise of its powers.

Duties of Utilities and Enforcement of Orders.

Section 135. Every utility, every officer or employe thereof and all other persons shall comply with the orders of the Commission; shall afford the Commission or appointee thereof access to the property, offices, books of account, documents and records of the utility or any part thereof; shall appear when subpoenaed and give testimony and evidence and produce papers, books, accounts, and documents as required by the Commission. Council may provide penalties and forfeitures for failure to obey any order of the Commission and for the compensation of witnesses.

Definitions.

Section 136. The word "utility" or "utilities," except where such meaning is inconsistent with the context, shall

be taken to mean any person, persons, firm or corporation owning or operating a public utility or furnishing public utility service, whether by ownership, lease, operating agreement or through stock holding. The word "commission," except when accompanied with the word "State" or "Ohio State," shall be deemed to mean the Public Utilities Commission created in this Charter as a Department of the government of Cincinnati.

DEPARTMENT OF PARKS AND PLAYGROUNDS.

Organization and Powers.

Section 137. The head of the Department of Parks and Playgrounds shall be the Board of Park Commissioners, consisting of three members, each appointed for a term of six years, one every two years, beginning with the year 1916. The members of the present Board shall complete their present terms and the member of the Board in office at the time this Charter takes effect, whose term would expire in 1917, shall continue in office for one additional year and the member then in office whose term would expire in 1918 shall continue in office for two additional years. All members shall serve without compensation.

This department shall administer, control and manage all parks, parkways, boulevards, playgrounds and athletic fields of the City, and all recreation facilities located in parks; and shall have power to acquire, construct, repair and maintain the same; may adopt and enforce regulations as to the proper use and protection of property under its care and impose penalties for the violation thereof; and shall have power to regulate the character of buildings and the building line, and to regulate or prohibit bill-boards in the vicinity of parks and boulevard property.

DEPARTMENT OF HEALTH.

Organization and Powers.

Section 138. The head of the Department of Health shall be the Board of Health consisting of five members appointed for terms of five years each, one each year, who

shall serve without compensation. The members of the Board of Health in office at the time this Charter takes effect shall continue in office until the completion of their respective terms. The Board shall have all the powers granted to and perform all the duties imposed upon Boards of Health of municipalities by the general laws of Ohio, including the power to make and enforce orders and regulations. Such regulations shall have the force and effect of ordinances, and be published in the same manner.

This board shall administer and enforce all laws, ordinances and regulations relating to the preservation and promotion of the public health, including the prevention and restriction of disease, the prevention, abatement and suppression of nuisances, the inspection and supervision of the production, transportation, storage and sale of food stuffs, the inspection and regulation of the sanitary condition of markets and all buildings, and the inspection and regulation of the alteration, maintenance and use of tenement houses, and the approval of the character of construction of such houses as to health and sanitary requirements.

DEPARTMENT OF HOSPITALS.

Organization and Powers.

Section 139. The head of the Department of Hospitals shall be the Board of Hospital Commissioners, consisting of the Dean of the Medical Department of the University of Cincinnati, the Director of Social Welfare, the chief executive Health Officer of the Board of Health, one person nominated by the Board of Directors of the University and appointed by the Mayor, and three other persons, citizens of the City appointed by the Mayor. The terms of each of the last four named shall be six years, provided that of the first appointees under this Charter, the term of one of said three selected by the Mayor shall be four years and of another shall be two years, and thereafter each of their successors shall be appointed for a term of six years. Members shall serve without compensation. This department shall manage and supervise all the hospitals of the City.

Medical Staffs.

Section 140. Appointments to positions on the medical staffs of the hospitals shall be made only upon nomination by the Board of Directors of the University. The Board of Directors of the University shall determine the manner in which medical work and teaching in the hospitals shall be organized and conducted, the regulations under which the teaching of medicine may be done in the hospitals, and the stage in their medical course at which students may be admitted to the teaching facilities in the hospitals; but such teaching facilities shall be open to the students of any medical college in Cincinnati recognized by the State Medical Board.

DEPARTMENT OF THE UNIVERSITY OF CINCINNATI.

Organization and Powers.

Section 141. The head of the Department of the University of Cincinnati shall be the Board of Directors of the University of Cincinnati, who shall serve without compensation. At the expiration of the term of each member of the Board incumbent at the taking effect of this section, his successor shall be appointed for a term of six years, and three members shall be appointed every two years for terms of six years each. Two of the three shall be appointed from lists of three candidates each, submitted respectively by the Trustees of the Endowment Fund Association of the University and the executive committees of the permanently organized associations of the graduates of the University acting jointly. The powers of this department shall be those given to Municipal Universities by general law not inconsistent with the express provisions of this Charter.

DEPARTMENT OF CITY PLANNING.

Organization.

Section 142. The head of the Department of City Planning shall be the City Planning Commission, consisting of seven members. Four of the members shall be citizens of

the City who shall serve without compensation and be appointed for terms of six years each, except that the term of two of the members of the first Commission under this Charter shall be for three years. The remaining three members of the Commission shall be the Mayor, Director of Highways and President of the Board of Park Commissioners.

Powers and Duties.

Section 143. The powers and duties of the Commission shall be to make plans and maps of the whole or any portion of the City of Cincinnati, and of any land outside the City which, in the opinion of the Commission bears a relation to the planning of the City, and to make changes in such plans or maps when it deems same advisable. Such maps or plans shall show the Commission's recommendations for new streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds, or any other public grounds or public improvements; and the removal, relocation, widening or extension of such public works then existing. With a view to the systematic planning of the City, the Commission may make recommendation to the Mayor, Council and department heads concerning the location of streets, transportation and communication facilities, public buildings and grounds.

The Commission shall have the power to control, preserve and care for historical landmarks; to control in the manner provided by ordinance the design and location of statuary and other works of art which are or may become the property of the City; and the removal, relocation, and alteration of any such works belonging to the City; and the plan and design of public buildings, harbors, bridges, viaducts, street fixtures and other public structures and appurtenances.

Whenever the Commission shall have made a plan of the City or any portion thereof, no public building, street, boulevard, parkway, park, playground, public ground, canal, river front, harbor, dock, wharf, bridge, viaduct, tunnel, utility (whether publicly or privately owned) or part thereof, shall be constructed or authorized to be constructed in the City

or said planned portion of the City until and unless the location thereof shall be approved by the Commission; provided that in case of disapproval the Commission shall communicate its reasons for disapproval to Council and the department head of the department which under this Charter has control over, or which has the power to authorize the location of the proposed improvement or utility; and Council by a vote of not less than two-thirds of its members and such department head, shall together have the power to overrule such disapproval. The narrowing, ornamentation, vacation or change in the use of streets and other public ways, grounds and places shall be subject to similar approval, and disapproval may be similarly overruled.

The Commission may make recommendations to any public authorities or to any corporations or individuals in Cincinnati or the territory contiguous thereto, concerning the location of any buildings, structures or works to be erected or constructed by them.

Not less than $25,000.00 shall be appropriated by Council as soon as the Commission shall have been appointed, to defray the cost and expenses to be incurred in the first year's work of the Commission.

Platting.

Section 144. The City Planning Commission shall be the Platting Commission of the City, and as such shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width, coterminous with adjoining streets and alleys, and otherwise to conform to the regulations prescribed by the Commission.

All plats of lands within the corporate limits or within three miles thereof, upon which streets, alleys, ways, commons, or other ground intended for public use are laid out, shall be submitted to the Commission and approved thereon in writing by it before being offered for record. The failure to submit or the disapproval of any such plat shall be deemed a refusal of the proposed dedication shown thereon. The approval of the Commission shall be deemed an acceptance of the proposed dedication, but shall not impose

any duty upon the City to maintain or improve any such dedicated parts.

Within the territory covered by a plat approved by the Commission, no street, alley or other public ground not in conformity with said plat shall subsequently in any way be accepted, improved, or maintained by the City as a public street, alley or other public ground.

Other Powers.

Section 145. Council may authorize the Commission to control the height, design and location of buildings.

DEPARTMENT OF THE CINCINNATI SOUTHERN RAILWAY.

Section 146. The Cincinnati Southern Railway shall be managed and controlled by a Board of Trustees appointed and with the powers as provided by the Statutes of Ohio.

PUBLIC LIBRARY.

Section 147. Nothing in this Charter shall be construed to affect in any way the present Cincinnati Public Library or the rights, duties and powers of its Board of Trustees.

FISCAL SYSTEM.

Taxation.

Section 148. The fiscal year of the City shall begin on the first day of January. The Mayor shall prepare and submit to Council an annual tax ordinance to determine the amount of the tax levy. For the purpose of preparing such ordinance, the officers and department heads shall report to the Mayor, upon blanks furnished by the Sub-Department of Municipal Investigation and Efficiency, detailed statements of the expenses of such offices or departments for the previous year or years, the estimated expense for the current year, and estimates of the needs of the next ensuing year. The tax ordinance shall set forth a classified estimate of the probable revenues of the municipality from sources other than taxes and of the amount of taxes required for the estimated expenditure set forth in such ordinance, and shall also include classified statements of the contemplated expenditure of the municipality for each office, department,

sub-department, and functional division thereof. Council shall hold public hearings and may amend said ordinance.

Annual Appropriations.

Section 149. On or before the tenth day of February in each year the Mayor shall prepare and submit to Council an annual appropriation ordinance for the current fiscal year. Such ordinance shall set forth classified under uniform headings denoting definitely the purposes of expenditure, the amounts to be appropriated for each office, department, sub-department and functional division thereof. It shall be based upon detailed information furnished by the various officers and departments on blanks prepared by the Sub-Department of Investigation and Efficiency. This information shall include:

(a) An itemized estimate of the expense of conducting each office, department, sub-department or functional division thereof for the current year, classified under uniform headings denoting definitely the purposes of expenditure.

(b) Corresponding statements of the actual expenses for each of the two preceding fiscal years.

(c) Statements showing amounts of and reasons for proposed increases or decreases in expenses as compared with the next preceding year, particularly those relating to additional pay for present employes or pay for additional employes.

(d) An itemized estimate by the Director of Finance of the total probable income of the City for the year from all sources, including balances available for appropriation.

(e) A statement showing the amount of supplies on hand in each sub-department at the end of the previous year.

(f) Such other information as may be required by the Mayor.

At the time of its submission to Council the proposed ordinance shall be printed in the Municipal Bulletin. Council shall provide for public hearings on such ordinance and shall pass it not later than March first. The total amount appropriated by any such ordinance shall not exceed the estimated income for the year and the available balances.

During the period of the current year prior to the passage of such annual appropriation ordinance, Council shall by

ordinance authorize each office and department to make expenditures and incur liabilities, the total amount of which, prior to the taking effect of such appropriation ordinance shall not exceed one-fifth of the appropriations for such office or department for the preceding fiscal year.

Supplementary Appropriations.

Section 150. Supplementary appropriations for current expenses shall not be made during the current year except for a purpose that could not reasonably have been foreseen and then only from a contingent fund regularly set aside in the annual appropriation ordinance. Appropriations of this character must have the favorable vote of two-thirds of the members of Council.

Transfers.

Section 151. When the annual appropriation for any office, department, sub-department or functional division thereof is not required for the needs thereof, Council by a three-fourths vote of its members may at the request of the Mayor transfer such appropriations or part thereof to any other office, department, sub-department or functional division, provided that no such transfer shall be made from the appropriation for any non-tax-supported public utility to any other purpose.

Limitation on Expenditures.

Section 152. No money shall be drawn from the treasury of the City except pursuant to appropriations or authorizations made by Council. At the end of each fiscal year, all unencumbered balances of appropriations from tax and current revenue funds shall lapse and be cancelled.

Moneys appropriated as hereinbefore provided shall not be used for other purposes than those designated in the appropriation ordinance, and all expenditures within the fiscal year shall be made from and within the appropriations hereinbefore provided for. The Director of Finance shall keep such expenditures within the appropriations. It shall be the further duty of the Director of Finance to see that all expenditures from trust funds are made in strict accordance with the provisions of the trust.

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the head of the department and sub-department for which the indebtedness was incurred.

Fees.

Section 153. All fees collected by departments shall be paid into the City Treasury.

Annual Improvement Program.

Section 154. Previous to the first of March in 1916 and during January in each subsequent year, the head of each department shall, upon call of the Mayor, submit to him a list of improvements and public works which are to be financed in whole or in part from the proceeds of bonds thereafter to be authorized and which such department head recommends to be undertaken during the current fiscal year. A general description of each improvement or work, a preliminary estimate of its cost and of the proportions of cost to be respectively borne by the City and by special assessments shall accompany the list. The Mayor may make such changes in the list as he may see fit and shall then submit it to Council, with his recommendations, in the form of an ordinance which shall contain a general description and estimated cost of each item on the list and a preliminary estimate of the proportion of cost to be respectively borne by the City and by assessments.

This ordinance shall be known as the Annual Improvement Ordinance. It shall be published and there shall be public hearings thereon as provided for the Annual Tax Ordinance. Council may make changes in the list of improvements or works, but shall not change or alter the character of any improvement or work or the specifications therefor, and any item thereof shall be subject to the Mayor's veto.

After the passage of the ordinance, the list of improvements and works provided for may be changed, provided that any change shall be approved by the proper department and submitted to Council with an amendment or supplement

to the Annual Improvement Ordinance. Such ordinance shall be adopted by a three-fourths vote and approved by the Mayor. Amendments or supplements shall contain the same description and estimates specified for the original ordinance. Copies of the annual ordinance and of all amendments or supplements thereto shall, immediately upon passage, be sent to the Mayor and each department head.

The passage of such annual ordinance or any amendment or supplement thereto shall not constitute an authorization for the issue and sale of bonds or the levy of an assessment, but shall be deemed to have the force and effect of a resolution declaring the necessity for the improvements for which it provides.

No expenditure shall be made from funds created by bond issues, other than assessment and excess condemnation bonds, except to pay the cost or part thereof, of an improvement or work included in an annual improvement ordinance or amendment or supplement thereto. Expenditures for the acquisition, construction or improvement of a public utility, operated or to be operated wholly or chiefly from its own revenues and expenditures authorized by an initiative ordinance shall be excepted from the provisions of this section.

Section 155. At the time of making up the annual improvement program, the Director of Finance shall report to the Mayor the purpose and amount of all bonds authorized and unsold and the unencumbered cash balances in all unexpended bond funds with recommendations as to cancellation of bond authorizations and transfer of unencumbered bond balances to the sinking fund in all cases where the purpose for which the bonds were issued has been either abandoned or fulfilled.

Bonds.

Section 156. Within the limits permitted by the Constitution of Ohio and in addition to the purposes specified in the Statutes of Ohio, the City may borrow money and issue bonds for acquiring, constructing, extending, enlarging, improving or equipping any building for municipal purposes or any public improvement or public utility or for acquiring the real estate or rights of way therefor. Excess condemna-

tion bonds for parks, parkways, boulevards and playgrounds may be authorized by Council upon the recommendation of the Board of Park Commissioners. All bonds shall be authorized by vote of not less than two-thirds of the members of Council. Certificates of indebtedness for money borrowed for current expenses in anticipation of tax collections may be issued for a period not exceeding one year and shall not be refunded. When any unexpended balance remaining in a fund created by an issue of bonds is no longer needed for the purpose for which the fund was created, it shall be transferred to the sinking fund.

Except as prescribed in this Charter, or as may hereafter be prescribed by ordinance, the form of bonds and coupons and the manner of their issue and sale shall be as prescribed by the Statutes of Ohio.

Section 157. The Board of Park Commissioners shall have power to appeal to the people, as provided in the present sections 4064 and 4065 of the General Code of Ohio, for compelling Council to authorize the issuance of bonds, including excess condemnation bonds.

IMPROVEMENTS AND ASSESSMENTS.

Assessments.

Section 158. Council shall have power by ordinance to provide for the payment of any part of the cost of the construction, reconstruction, repair or maintenance of any structure or work in the nature of a public improvement, including a public utility, by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property. The amount assessed against any property shall not exceed the amount of benefits accruing to such property from such improvement and the operation thereof.

Method of Assessment.

Section 159. Such assessments may be levied by any one of the following methods:

(a) By a percentage of the tax value of the property assessed.

(b) In proportion to the benefits which may result from the improvement.

(c) By the foot frontage of the property bounding or abutting upon the improvement.

Section 160. Council shall create and establish a Bureau of Assessments, the head of which shall be appointed by Council and shall be known as the Supervisor of Assessments.

Section 161. Immediately upon receipt of certification of an annual improvement ordinance or of an amendment or supplement thereto, or of a resolution of necessity, each head of a department, shall proceed to prepare and file with the Bureau of Assessments detailed estimates of cost, plans, profiles and specifications of the improvements included in such ordinance, amendments and supplements or resolutions which are to be paid wholly or partly by assessments and are within the scope of the department. For purposes of economy or convenience in carrying out an improvement, whether wholly paid for by the city or partly by assessments, two or more departments interested in such work may arrange for the preparation of joint estimates, plans, profiles and specifications. Where any department is without the facilities for conveniently preparing such estimates, profiles, plans and specifications, it may call upon the Department of Highways to prepare the same for it and such preparation shall then be done by said Department of Highways. All said detailed plans, profiles and specifications shall set forth the proposed grade of the improvement, if it is to be a street, parkway, boulevard or public way, and a full description of the real estate or property rights to be acquired for the execution of the improvement.

Section 162. Upon receipt of any such set of plans, estimates, profiles and specifications, the Bureau of Assessments shall proceed to determine the boundaries of the district specially benefitted by the improvement, the amounts of such benefits, the names of the owners and the description of the properties affected by the construction of the improvement, the property to be assessed, the proportion or amount of assessment upon each piece of property, the method of assessment, the manner of paying assessments, and all other matters necessary or proper to be determined in an ordinance providing for such improvements. Upon such determination, the Bureau

shall notify each owner of property to be assessed. Such notice shall contain a concise statement of any establishment or change of grade of a street or any other public way involved in the work, a statement that the plans, profiles, specifications and estimates are on file in its office, a general description of the character of the improvement, the proposed method of assessment, the proposed proportion of cost to be respectively borne by the City and by assessment, the number of installments in which the same shall be payable, a statement that all claims for damages arising out of the work must be filed with the Bureau within two weeks after the date of service or publication of the notice and that failure to so file shall be deemed a waiver of claims for damages and shall bar a recovery upon such claims, and also such notice concerning the installation of service connections and other structures on or under or over the proposed work as may be prescribed by Council. All claims for damages not filed within said two weeks shall be deemed waived and be barred. The notice shall be served upon such persons either personally or in the manner provided by general law for the service of summons in civil actions and, if any such service can not be made, notice shall be published once in the Municipal Bulletin and in a newspaper of general circulation within the City. The notice shall also fix a time, not less than two weeks from the service or publication thereof, within which all protests and objections concerning the proportion of costs to be assessed, the assessment district, the method of assessment or the plans, profiles, specifications or estimates may be made. Any changes in the plans, profiles, estimates or specifications must be taken up with and receive the sanction of the head of the Department which filed the same.

Section 163. After the termination of the period above provided for filing claims and protests, the Bureau shall submit to Council an ordinance or ordinances providing for all things necessary and proper to be ordained by Council in the authorization of the work and the payment of the cost thereof. With such ordinance or ordinances, the Bureau shall transmit a report setting forth its reasons for the description of the assessment district, proportion of cost to be assessed, methods of assessment, and other matters included in the ordinance. Council

may include in one or more ordinances all matters relating to the authorization and financing of an improvement and may make such departures from the recommendations of the Bureau of Assessments as it may deem proper; but if the proportion of cost to be borne by assessment, or the property to be taken or assessed shall be increased, such ordinance or ordinances shall not be finally adopted by Council until the matter shall have been returned to the Bureau of Assessments and notice given to persons and properties affected, with two weeks for filing protests and claims, as in the first instance, and the report thereon of the Bureau of Assessments shall have been received by Council. When Council determines to postpone the levy of assessment until the completion of and final ascertainment of cost of the work, the ordinance levying the assessment shall be prepared by the Bureau of Assessments in accordance with the actual cost and Council's determination of the proportions to be borne respectively by the City and assessments.

Before any ordinance levying assessments according to benefits is passed, the Supervisor of Assessments shall insert a notice in the Municipal Bulletin to the effect that the proposed distribution of assessments is on file in his office, fix a time not less than one week nor more than two weeks, within which time after the publication of the notice, complaints and objections to the assessment may be filed. If any such complaints or objections are filed, Council shall appoint a Board of Equalization consisting of three freeholders, citizens of Cincinnati. On a day appointed by Council for such purpose, such Board shall hear and determine all objections brought before it and shall equalize the assessment, which equalized assessment it shall report to Council, which may confirm or set it aside or appoint a new equalizing board which shall proceed in the manner above provided. When such report is confirmed, Council shall levy the assessment in accordance therewith.

Section 164. Council may provide for payment of assessments in from one to ten installments and they shall be payable at the time stipulated by Council and shall be a lien from the date of the assessment upon the respective lots and parcels of

land assessed and shall be enforcible in the manner provided by general law.

Section 165. At the time of the passage of the ordinance authorizing the improvement to proceed, Council may determine whether the filed claims for damages shall be judicially inquired into before commencing or after the completion of the proposed improvement. Such inquiry shall be made at the time directed by Council and in the manner provided by general law.

Section 166. When special assessments are levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement, and there are lands subject to such assessment which are not assessed for taxation, the Bureau of Assessments shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands to such depths as the Bureau of Assessments considers a fair average of the assessed value of other lots in the neighborhood. Where lands are not subdivided into lots, but are assessed for taxation, the Bureau of Assessments shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

Limitation on Assessments.

Section 167. In no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five years in excess of one-third of the actual value thereof after the improvement is made and in operation. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of Council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be so assessed that do not need local drainage, or which are provided therewith.

City's Portion of Cost.

Section 168. The City shall pay such portion of the cost and expense of improvements for which special assessments are levied as Council deems just, which part shall not be less than one-fiftieth of all such cost and expense; and in addition thereto the City shall pay the cost of intersections.

Supplementary Assessments and Rebates.

Section 169. When assessments are levied previous to the ascertainment of the cost of the improvement and prove to be in excess of the proportion of cost to be borne by assessments as fixed by Council, the Director of Finance shall return or rebate to the then owner of the property assessed its portion of such excess. If the assessment proves inadequate to pay the said proportion of the cost of the improvement, the Bureau of Assessments shall report to Council a supplementary assessment, which supplementary assessment shall be levied by ordinance of Council and collected as is provided in the case of original assessments.

Sewer, Water, and Other Connections.

Section 170. The Director of Highways shall have authority to compel the making of sewer and water connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer or water connections should in his judgment be constructed. He shall cause written notice of his determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by the Bureau of Assessments in the manner provided for the service of summons in civil actions. Non-residents of the City, or persons who cannot be found, may be served by one publication of such notice in a newspaper of general circulation in the City. The notice shall state the time within which such connections shall be constructed. If not constructed within the said time, the work may be done by the Director of Highways and the whole cost thereof, together with a penalty of five percent (5%) assessed against the lots and lands for which such connections are made. Such assessments shall not be subject to the limitations of assessments provided in this Charter. Upon certificates from the Director of Highways, the Bureau of Assessments shall prepare and send to Council ordinances levying assessments as provided for in this section and providing for the issuance of assessment bonds; and such assessments for one or more streets may be included in one ordinance.

Council may provide for similar procedure by the Board of

Park Commissioners and similar assessments for the protection of parkways and boulevards; and may also provide by similar procedure and assessments for protection of improvements of street, boulevard, and other public ways and places by the construction of other classes of utility connections.

Repayment of Utility Assessments.

Section 171. When assessments have been levied to pay a portion of the cost of a watermain, gas main or other utility, Council may, with the approval by the Public Utilities Commission of the amount of any such repayment, provide for repayment to the owners of the assessed property out of the revenues derived from the operation of such main or other utility of the whole or any part of the assessment.

Obstructions.

Section 172. Council may provide for the removal by the City of any obstruction or nuisance on a street or other public way or place and for the assessment of the cost thereof upon the owner of adjacent property or of the property of any other person responsible for such obstruction or nuisance.

Sidewalks.

Section 173. Council may by resolution declare that certain specified sidewalks, curbings or gutters shall be constructed, repaired, cleaned or cleared of snow or any nuisance. One reading only shall be required for such resolution and any number of such improvements may be included in one resolution. Upon the passage of such a resolution, the Bureau of Assessments shall cause written notice of the passage thereof to be served upon the owner or agent of the owner, of each parcel of land abutting upon such sidewalks, curbings or gutters, who may be a resident of the City, in the manner provided by the law for the service of summons in civil actions. If the owner of any such property be not a resident of the City, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If

neither such owner nor agent can be served in the City, one publication of a copy of the resolution in a newspaper of general circulation of the City shall be deemed sufficient notice to such owner.

If the work specified in such resolution be not done within the time specified therein, which time shall not be less than fifteen days from the service or publication of the above described notice, the Director of Highways may proceed to do such work and report the expense thereof to the Bureau of Assessments, which shall prepare and transmit to Council an ordinance assessing the expense upon the owners of the properties bounding or abutting thereon. Council shall thereupon pass such ordinance to assess the cost and expense thereof upon such owners, and such assessments shall be collected in the same manner as other assessments with a penalty of five percent (5%) and interest for failure to pay at the time fixed by the assessment ordinance.

Maintenance Assessments.

Section 174. Assessments for the sprinkling, oiling, or other surface treatment of the streets or other assessments for the maintenance of public improvements shall be payable in one installment, unless the work covers a period greater than a year, in which case the assessment may be made payable in the number of installments equal to the number of years for which such work is provided. When the owners of property equal to or greater than seventy-five percent (75%) of the abutting feet petition for any such maintenance work, to be borne wholly or partly by assessments, assessments for such work shall not be subject to the limitations of assessments provided in this Charter.

Re-Assessments.

Section 175. Whenever it is made to appear to Council that a special assessment is invalid by reason of informality or irregularity in the proceedings or by decree of court, Council may make a re-assessment. Proceedings upon a re-assessment shall be like those provided for the original assessment.

Certification of Unpaid Assessments.

Section 176. The Director of Finance shall on or before

the second Monday of September of each year, certify all unpaid assessments together with all penalties or interest thereon to the County Auditor for collection, giving the names of the delinquents, the amounts due, and time for payment.

Assessment Bonds.

Section 177. Council may at any time borrow money and authorize the issuance of bonds therefor in anticipation of the levy and collection of assessments.

PUBLIC IMPROVEMENTS BY CONTRACT OR DIRECT LABOR.

Section 178. Public improvements of all kinds, whether to be paid for entirely by the City or partly by assessments, may be made by the appropriate department either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let after competitive bidding. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the City to be exacted in like sum for every day of delay beyond a specified date.

Alterations or Modifications in Contract.

Section 179. When it becomes necessary, in the opinion of the head of the appropriate department, in the prosecution of any work or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon the order of such head in writing. No such order shall be effective until the price to be paid for the work and material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the department head and approved by the Mayor.

Joint Work.

Section 180. Where for reasons of convenience or economy it is deemed advisable by the head of a department or by heads of more than one department to contract jointly for one or more improvements, bids may be received and the contract awarded jointly. In case assessments are involved, the form

of bids shall be such as to permit of the ascertainment of the portions of the joint cost attributable to each improvement. The heads of the departments may agree as to the proper apportionment of the City's portion of the cost of any such improvements jointly made.

Contracts—How Let.

Section 181. All contracts involving an expenditure in excess of One Thousand Dollars ($1,000.00) shall be made with the lowest and best bidder, after advertisement once a week for at least two weeks in the Municipal Bulletin, and no other advertisements shall be required. The bids shall be opened at twelve o'clock noon, on the last day for filing the same, by the head or heads of the departments for which the work is to be done or his personal representative, in the presence of the Director of Finance, or his representative, and publicly read. Each bid shall contain the full name of every person or company interested in the same, and shall be accompanied by sufficient bond or certified check of a solvent bank of the City, in an amount fixed in the specifications, that if the bid is accepted the contract will be entered into and an acceptable bond in the sum of not less than twenty-five percent (25%) of the contract price be given to properly secure the performance of the same within the contract time. Such head of department may reject any or all bids. All contracts shall be in writing awarded and signed by the head of the appropriate department or departments. Contracts shall be executed in triplicate and one copy filed with the Director of Finance.

Certificate of Director of Finance.

Section 182. No order, contract, agreement, or other obligation involving the expenditure of money shall be issued or entered into, unless the Director of Finance first certify that the money required for such order, contract, agreement, or expenditure is in the Treasury to the credit of the fund from which it is to be drawn and not appropriated or encumbered for any other purpose, which certification shall be immediately recorded against the appropriation or fund affected. The sum so certified shall not thereafter be considered available for any other expenditure until the City is discharged from the order, contract, agreement, or obligation. Moneys to be derived from

the sale of bonds or notes the issue of which has been lawfully authorized shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund, and subject to such certification. To the extent of any such certification so long as in effect such authorization of bonds or notes shall not be revocable by Council. Contracts for public lighting, or for supplying water, electricity, or other public utility service to the City or for the collection or disposal of garbage or other waste and duly executed leases of property to the City, which contracts or leases run beyond the end of the fiscal year in which they are made, and contracts involving expenditures from the revenue of a utility, or from assessments or assessment bonds, shall be subject to the limitations provided in this section.

Contracts—When Void.

Section 183. All orders, contracts, agreements, or other obligations issued or entered into in violation of the provisions of this Charter shall be void.

Condition of Letting Contracts.

Section 184. Before any contract is let, it shall receive the written approval of the City Solicitor as to form and legality.

APPROPRIATION OF PROPERTY.

Section 185. Property within and without the corporate limits of the City may be appropriated for any public or municipal use or purpose and in furtherance thereof. Such appropriation shall be made as herein provided. The City may by appropriation acquire a fee simple title or any lesser estate, easement or use.

Declaratory Resolution.

Section 186. When it is deemed necessary to appropriate property Council shall pass a resolution declaring such intent defining the purpose of the appropriation, setting forth a pertinent description of the lands and the estate or interest therein desired to be appropriated.

Notice.

Section 187. Immediately upon the passage of such resolution for which but one reading shall be necessary, written notice of such intent shall be given to the owner, person in

possession of or having an interest of record in every piece of property sought to be appropriated, or to his authorized agent. Such notice shall be served and returned by the Bureau of Assessments in the manner provided by law for the service and return of a summons in a civil action. If such owner, person or his agent cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the City. Thereupon Council may pass an ordinance, by the votes of not less than two-thirds of all members elected thereto, directing such appropriation to proceed.

Further Proceedings.

Section 188. Upon the passage of such ordinance, the City Solicitor shall make application to a court of competent jurisdiction and proceed in the manner provided by general law for the appropriation of property by municipal corporations, for the purpose of having the compensation to be paid for said property, easement or use assessed.

Section 189. In the case of an appropriation of a public utility, the period within which the City is required by Section 3697 of the General Code of Ohio or amendment thereof to pay for the property appropriated, shall be held to date from the day of the referendum election provided for in Section 196 of this Charter.

Proceeds of Excess Condemnation.

Section 190. All proceeds from the sale of property acquired by excess condemnation shall be paid into the Sinking Fund and to the extent necessary shall be applied to the redemption of the bonds secured by such property.

FRANCHISES.

Grant.

Section 191. Council may by ordinance grant permission to any person or corporation to construct or operate any public utility in the streets and public grounds of the city; and no person or corporation shall occupy any street or public ground without such a franchise. Council may attach to any such grant any and all terms and conditions which it deems conducive to the public interest. At or within two years of the termination thereof, Council may renew any such grant and

fix the terms and conditions thereof, but no such renewal shall be made in violation of any of the limitations contained in this Charter. No franchise grant or amendment thereof shall be passed as an emergency measure.

Term and Indeterminate Franchises.

Section 192. Such franchises may be granted for a definite term of years, not to exceed twenty-five years from the date of the grant, or for an indeterminate period to continue in force, unless otherwise terminated according to law, until such time as the City shall acquire the property of the utility used in and useful for the operation thereof.

No Exclusive Franchises.

Section 193. No right to construct or maintain any public utility in the City of Cincinnati and no right to operate any privately owned utility shall be exclusive. In the grant of an indeterminate franchise, Council may provide for the issuance by the Public Utilities Commisson of a certificate of public convenience and necessity as a condition precedent to the later grant of a franchise to a competing utility.

Purchase.

Section 194. The acceptance of or operation under any grant or renewal of any franchise or permit shall be deemed a consent on the part of the person or corporation so accepting or operating the same of the right of the City to purchase all the property of the utility used in or useful for the operation thereof at a price which is either fixed in the ordinance granting the franchise or permit, or to be fixed in the manner provided by such ordinance, which price shall not include any value for such franchise. In case the price or manner of ascertaining the same are not provided in such ordinance, then such acceptance or operation shall be deemed an agreement by such person or corporation that in any condemnation or other proceeding brought by the City for the purpose of ascertaining the amount to be paid for such property, no value shall be placed upon or allowed for the franchise in excess of that above provided. Upon the acquisition of any such property, all franchises or renewals thereof shall at once terminate. No such ordinance fixing or agreeing upon the price of any such utility shall take effect until it shall have been submitted to the

electors of the City and shall have been approved by a majority of those voting on the question.

Existing Franchises.

Section 195. Council shall have the power to accept the surrender of any franchise in force at the taking effect of this Charter and in lieu thereof to grant a new franchise or indeterminate permit in accordance with the provisions of this Charter.

Appropriation of Utilities.

Section 196. If the municipality determines to acquire the property of any utility by condemnation, the compensation to be paid therefor shall be determined in the manner provided by the law of the State for the appropriation of property by municipal corporations, but no ordinance directing such appropriation to proceed shall take effect unless adopted by a vote of not less than two-thirds of the members elected to Council, and Council shall at the time of the adoption of such ordinance provide and authorize the expenditure of such funds as in its opinion will be sufficient to meet the expenses of such appropriation proceedings. Such ordinances shall be subject to an optional referendum in accordance with the provisions of Section 5 of Article 18 of the Constitution of Ohio.

When the price to be paid for such utility is fixed by such appropriation proceedings, Council shall, by ordinance adopted by a vote of not less than two-thirds of the members elected thereto, determine whether the property of such utility shall be acquired at the price so fixed, and if it determines that the property of such utility shall be acquired, it shall in such ordinance provide for the issue and sale of bonds or other method by which the necessary funds are to be secured, but no such ordinance or any other ordinance providing for the acquisition of the property of a public utility shall take effect until it shall have been submitted to the electors of the City at a general election, and shall have been approved by a vote of not less than two-thirds of those voting on the question.

Extensions.

Section 197. Council may, by ordinance, grant to any individual, company or corporation operating a public utility the right to extend the appliances and service of such utility. All

such extensions shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the City applicable to the property of the utility by virtue of the ordinances providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant to the utility to which the extension was made or any renewal thereof.

Regulations.

Section 198. All rights of regulation and supervision, except in so far as any exercise thereof may be necessarily inconsistent with the express provisions of the franchise, or with the provisions of this Charter, shall be deemed reserved to the City in every grant.

Consents.

Section 199. No consent of the owner of property abutting on any public way or public grounds shall be required for the construction, extension, maintenance, or operation of any street railway.

Forfeitures.

Section 200. All grants of franchises shall be deemed to provide for the right of Council to declare the franchise forfeited upon failure of the grantee to comply with the terms thereof, whether or not such right of forfeiture be expressed in the franchise.

MISCELLANEOUS.

Publicity of Records.

Section 201. All records of every office and department of the City shall be open to the public at all reasonable times, subject to such reasonable rules and regulations as will insure their safety and will not unduly inconvenience City officials and employes in the discharge of their duties. Nothing herein provided shall be so construed as to give the right to any person to have access to any records or documents where the disclosure of the information contained therein would tend to defeat the lawful purpose of the officer or department withholding them from access.

Petitions.

Section 202. Every nominating petition, recall petition, initiative petition, referendum petition, or other petition or amend-

ment thereof, shall have printed at the top of each petition paper circulated for signing the following words, printed in bold face type:

NOTICE.

"Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution."

Immediately preceding the text of each such petition or amendment shall be the following statement, which shall be signed and truly filled out by the person who circulates the petition or any part thereof:

"In consideration for my services in soliciting signatures to this petition, I have received, or expect to receive from _____ of _____

_____

(Here insert whatever value has been received, or what is expected to be received.)

(Signed) _____

Solicitor.

_____

Address.

Section 203. On all petition papers provided for in this Charter, each signer thereof shall sign his name in ink or indelible pencil, and shall place on the petition paper opposite his name, the date of his signature and his place of residence by street and number. The signatures to such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signers thereto and that each signature appended is the genuine signature of the person it purports to be, and that it was made in the presence of the affiant and on the day indicated. The several petition papers as assembled shall be considered the petition.

Investigations.

Section 204. Whenever in this Charter the power of making investigations is conferred, the power shall include the right to administer oaths, compel the attendance of witnesses, the production of books and papers, the answer, upon oath or affirmation, of questions pertinent to the matter under investigation, and to cause the enforcement of

orders by contempt proceedings. All subpoenas and orders shall be signed by the officer or the presiding officer of the Committee, Board, Commission or body making such investigation, and shall be served and executed by any officer authorized by law to serve subpoenas.

Eight Hour Day.

Section 205. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours shall constitute a week's work for workmen engaged on any public work carried on or aided by the municipality, whether done by contract or otherwise. Council shall by ordinance provide for the enforcement of the provisions of this section.

Section 206. The labor or time of any person confined in the City Workhouse shall not be let, farmed out, given, sold, or contracted to any person, firm, corporation or association.

Interest of Officers and Employes in City Contracts.

Section 207. No officer or employe of the City shall have a personal interest, direct or indirect, in any contract with the City, or be personally interested, directly or indirectly, in the sale to the City of any supplies, material, service or land. Any wilful violation of this section may subject the guilty officer or employe to forfeiture of his office or employment.

Status of Existing Ordinances.

Section 208. All ordinances and resolutions in force at the time of the taking effect of this Charter, and not inconsistent with its provisions, shall continue in force until amended or repealed.

Status of State Statutes.

Section 209. All existing and future general laws of the State of Ohio relating or applicable to cities, in so far as they are not in conflict with the provisions of this Charter or with any ordinance or resolution hereafter enacted by the City Council or with any act or order of any officer or department lawfully given or done under the authority of this Charter or such ordinance or resolution shall remain in

force and effect in Cincinnati; but nothing contained in this Charter shall be construed as limiting the power of Council to enact any ordinance or resolution not in conflict with the Constitution of Ohio or the provisions of this Charter. Valid existing special laws applicable to Cincinnati shall have the same status as above provided for general laws.

Status of Officers and Appointees.

Section 210. All persons holding office or positions at the time this Charter goes into effect shall continue in office or position and in the performance of their duties until elections, appointments, abolition of offices and positions and other provisions shall have been made in accordance with this Charter for the performance or discontinuance of the duties of any such offices or positions. When such election, appointment, abolition or other provision shall have been made, the term of the incumbent of any such office or position shall expire. The powers which are conferred and the duties which are imposed upon any officer, commission, board, or department of the City under the laws of the State shall be exercised and discharged by the officer, appointee, or department upon whom are imposed corresponding functions, powers and duties hereunder.

Status of Existing Contracts.

Section 211. All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

Saving Clause.

Section 212. The invalidity of any clause or part of this Charter shall not be deemed to affect the validity of any other part thereof, nor shall any clause, provision or part of this Charter be deemed invalid because it cannot constitutionally be effective to the full extent warranted by its language; but this Charter and every part thereof shall be effective to the full extent permitted by the Constitutions of the United States and of Ohio.

Amendments.

Section 213. Amendments to this Charter may be submitted to the electors of the City as provided by the Constitution of Ohio.

Repeal of Charter.

Section 214. This Charter may be repealed by a majority vote on an initiative petition therefor, as provided by the Constitution for Charter amendments, and when so repealed the repeal shall take effect at the end of the term for which the then Mayor was elected; and the City of Cincinnati shall then be governed as provided by general law.

RECALL.

Who May Be Recalled.

Section 215. Any elective officer who has held office for at least one year may be removed from office by the qualified electors of the City in accordance with the following recall procedure:

Charges.

Section 216. Any five or more registered electors of this City may file specific charges against any elective officer in a written, signed statement of not to exceed five hundred words, sworn to by each of the signers. Within ten days after the filing of such charges, the person sought to be recalled may file an answer. Both charges and answer shall be filed with the election authorities.

Petitions.

Section 217. Unless such officer shall within twenty days after the filing of the charges resign from office, a recall petition may be circulated and signed, asking that the question of removing such officer be submitted to the electors of the city. No signature written previous to the expiration of said twenty days shall be valid or counted. No petition may be for the recall of more than one person. Petitions shall be filed with the election authorities. Each petition paper must contain a statement of the cause of the proposed recall in the language of the aforesaid written charges. A recall petition must be signed by registered electors of the City, equal in number to not less than twenty-five percent of the vote cast for Mayor at the next preceding election for Mayor, and

shall be filed within forty days after the aforesaid twenty day period for the filing of the attacked officer's answer shall have expired.

Elections.

Section 218. Whenever a recall petition has been filed in all respects as herein provided and if within ten days thereafter the Clerk of the Election authorities certifies that the petition is in the form above prescribed and that it contains the requisite number of names of registered electors, then not less than forty nor more than sixty days after the expiration of the forty-day period above prescribed for filing the petition, an election shall be held in the City upon the question of whether or not the said officer shall be recalled. If a general or special election is to be held between said forty and sixty days, the recall election shall be held at the same time; otherwise a special recall election shall be held, the exact date of which shall be fixed by the Mayor, if the proposed recall is of a Councilman, or by Council, if the proposed recall is of the Mayor. The ballots in the recall election shall contain only the names of the person or persons sought to be recalled and the office each holds, together with a statement "Shall (name of person to be recalled) be recalled" and the words "yes" and "no" with such statement. A copy of the above described charges and answer shall be sent by the election authorities not less than ten days before the election to each registered elector of the City. The method of marking such ballots and determining the results of such elections shall conform in all particulars to the provisions of this Charter relating to general elections. If a majority of those voting on the question vote in favor of the recall of the officer, he shall be deemed removed from the office which he holds as soon as his successor has qualified. Otherwise he shall continue in office for the remainder of his unexpired term, subject to recall as before, and shall be entitled to be reimbursed by the City for his expense incurred in resisting the recall to an amount not exceeding Four Thousand Dollars, ($4,000.). When an officer is recalled, the vacancy shall be filled in the same manner as though it had been caused by death, resignation, or disqualification.

Section 219. If this Charter is approved by the electors,

the foregoing sections 215, 216, 217 and 218 pertaining to the recall of elective officers shall be effective only if the question of the recall of elective officers shall be separately submitted to the electors of this City and approved by a majority of the electors voting thereon.

SCHEDULE.

(1) For the purpose of nominating and electing officers and all purposes connected therewith, this Charter shall take effect from the time of its approval by the electors of the City. For the purpose of exercising the powers of the City as provided herein, for the purpose of establishing departments, and offices and distributing the functions thereof, and for all other purposes, it shall take effect on the first day of January, 1916.

(2) At the time of the submission of the question of the approval of the Charter to the electors of the City of Cincinnati, there shall be separately submitted upon the same ballot the question whether there shall be a recall of elective officers, in the following form:

"Yes" } Recall of Elective Officers."
"No" }

We, the undersigned members of the Charter Commission of the City of Cincinnati, elected at a special election held on the Thirtieth day of July, 1913, have prepared and hereby propose the foregoing as a charter for the City of Cincinnati.

Done in duplicate in the City of Cincinnati this Ninth day of May, 1914.

THE CHARTER COMMISSION.

JOEL C. CLORE, President.
CHARLES E. ROTH, Vice-President.
JOHN H. MARCKWORTH, Secretary.

HENRY F. CORDES.	GOTTFRIED C. JOEHNK.
NICHOLAS DIEHL.	WALTER A. KNIGHT.
J. WALTER FREIBERG.	JOHN R. SCHINDEL.
JOSEPH T. HALLOWELL.	J. L. SHEARER.
HENRY HOEFLE.	LUKE W. SMITH.
SAMUEL IGLAUER.	JAMES A. WILSON.

FRED SCHNELLER, Ex-officio Clerk.
JOHN D. ELLIS, Principal Assistant Clerk.
EDITH W. PECK, Assistant Clerk.
EDYTHE M. BURKE, Assistant Clerk.

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